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The STORY of a DARK PLOT

OR

TYRANNY ON THE FRONTIER

BY

A. L. O. C.

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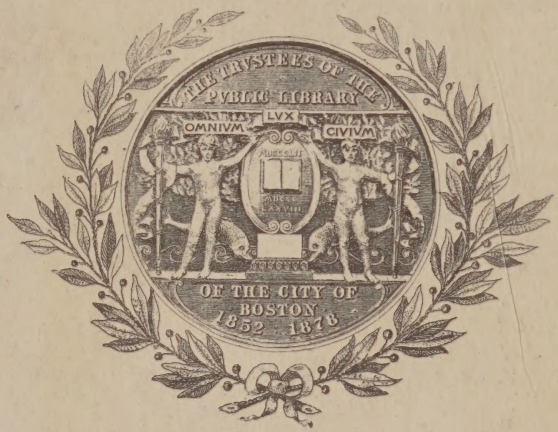

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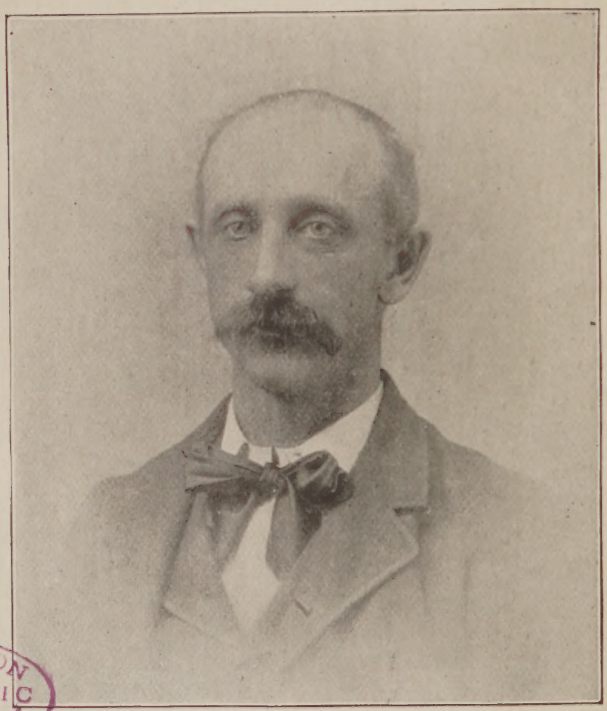

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SUTTON, P. Q.

THE

STORY OF A DARK PLOT;

OR,

TYRANNY ON THE FRONTIER.

By A. L. O. C.

BOSTON:
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UNIVERSITY OF TORONTO

PREFACE.

For precept must be upon precept, precept upon precept; line upon line, line upon line; here a little and there a little.—(Isa. xxviii. 10.)

This is a divinely appointed rule to which we will do well if we take heed, as it will save from many disappointments and discouragements.

The writer of "The Story of a Dark Plot" has no hope by this work of revolutionizing society or even working any very marked reforms. Books and essays on temperance topics are numerous, and this is but one among many. However, it is hoped that this may prove one of the lines and precepts that are of some service to the cause. There is always need for those who are on the right side of any important question to unfurl their banners and show their colors bravely, but just now, in connection with the temperance movement in our Dominion, there is a very special call for action presented by the Plebiscite.

We sometimes read on the pages of fiction exciting and blood-curdling tales of deep laid plots for murder and other

crimes, but just when our feelings are being aroused to the highest pitch, we pause and comfort ourselves with the thought that after all this is only imaginary.

Or perchance, we may read the truthful details of a more or less successful attempt to end the life of a fellow being, but if we are unacquainted with the persons concerned in the affair and the circumstances which led to it, and especially if it happened some distance from us, we feel but little interest in it.

Again we find in the records of the past that thousands have suffered and many died in a really good cause,— the victims of depraved and brutish persecutors who hated what was good. We cannot doubt the truth of the statements nor the innocence of the sufferers, but we may be tempted to complacently remark " the martyr age is past." But if we look about us with unprejudiced eyes, we must see that the sufferers for conscience sake are still not a few.

The details of the dark plot as given in these pages are all matters of fact, and perhaps if all the particulars could be known, it might seem blacker even than now. Moreover, it happened in an old and progressive county of Eastern Canada, just across the border from New England, and Mr. Smith had incurred the anger of his persecutors only by trying to enforce law and order and working for the protection and uplifting of his fellow-men.

In view of such facts, let the voters of our Dominion pause

ere they give their sanction to a system which throws around the makers and venders of alcoholic liquors the protection of the strong arm of the law.

That this volume, by showing the liquor party in its true light, and thus warning our countrymen of their position and danger, may be the means of arousing some who, though temperance people at heart, are sleeping on guard, and of adding a few to the ranks of active workers for the cause of right, is the earnest prayer of

THE AUTHOR.

INTRODUCTION.

The publication of this book has been with the approval of some of the best thinkers on the temperance question, and we doubt not that its *careful* perusal by all who read it will prove a stimulus in connection with the cause of temperance, and if they are timid or hesitating will cause them to become decisive in the noble work for humanity. It is a well-known fact that the grand old County of Brome is one of the banner counties in every thing which is helpful to the cause of morality, and we hereby offer a fraternal hand to all our co-workers in the Dominion, and pray God's blessing may rest on every effort put forth that, whatever may be the private opinion they may entertain respecting the course pursued by the government, in order to ascertain the minds of the people on the prohibition ques-

tion, they may not only pray right, but when the time presents itself may vote right. Notwithstanding the fact that a majority of the inhabitants of our county are true to prohibition principles, yet a minority would not hesitate, if possible, to repeal the Scott Act, as was evidenced in the dark plot which was enacted in our midst, but which could not be carried out until a rough from another country was hired to commit the murderous assault, which was made on Mr. W. W. Smith, one of the most earnest temperance workers in the Province of Quebec, President of the Brome County Alliance for five terms in succession, and who is actively engaged in sustaining the Scott Act in our county, and saving from the sad consequences of the traffic the tempted and the fallen.

J. H. F.,
SUTTON.

THE

STORY OF A DARK PLOT;

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CHAPTER I.

PREVIOUS EVENTS WHICH LED TO THE ASSAULT.

There are few communities, however small, that have not been aroused and stirred into action, by some uncommon event, or where opposing parties have never rejoiced, and mourned over a triumph of one at the other's expense, and often have men and women, unappreciated by the many, bravely suffered for their fidelity to a good and beloved cause. Thus the little County of Brome has been stirred to the depths of its soul by the actions of contending parties, and especially by a deliberate attempt to hinder the work and destroy the life of a law-abiding

citizen. Mr. William W. Smith, the hero of this dark plot, was a native of the county which had always been his home, and had been during about fifteen years the Agent of the Canadian Pacific Railway Company at Sutton Junction. During those years, he had been a man of the world, fond of pleasure, and not objecting to a social glass, and it is not surprising that, amid all the temptations of railroad life, he had already felt the awful power of an appetite for strong drink. But he was led to see his danger and to flee from it, largely through the influence of his beloved companion, a faithful Christian, who rests from her labor, and her works do follow her. Breaking his bonds by the power of God, he became not only a temperance man, but a Christian, and in his great joy and gratitude for his own salvation was filled with a desire to warn and rescue others, whose feet were treading the same slippery paths. He then began holding Gospel Temperance Meetings, as he had opportunity in many places mostly within the County of Brome. This county has long held an honored position as being one of the leading temperance counties in the Dominion of Canada, because during many years no license to sell intoxicating liquor as a beverage has been granted within its borders, and a temperance law known as the

Scott Act had been in force for eight years previous to 1893, when the second attempt was made by the liquor party to obtain its repeal. Like the serpent in the Garden of Eden, the liquor sellers of the present day are remarkable for their subtility, and many are the innocent victims entangled in the meshes of the net woven by their deceptive tongues; therefore, it need not seem strange that they should display great power and influence, even in a so-called temperance community. In the spring of 1893, the liquor party in Brome, having decided that they had been troubted by an anti-license act quite long enough, sent out their agents to various parts of the county with innocent looking papers to which they wished to obtain signatures. They called upon all the known supporters of their party, and also upon that doubtful class of persons which sometimes proves to be among their best helpers, although counted as temperance people. To this doubtful class they carefully explained that the petition they bore did not ask for the repeal of the Scott Act, but only requested that an election be held for the purpose of bringing the matter before the people, and determining their minds upon the subject. Therefore, they were told the signing of this petition was in no way equivalent to voting against the Scott Act,

nor would they be bound to vote against that Act if an election was brought about. Many names were appended to the petition, the desired election took place, and very hard did the liquor men work to obtain a result that should favor their cause.

However, not all the faithful work was on their side. A few temperance speakers came from distant places, and held many interesting meetings in different parts of the county, but perhaps the most efficient work was done by people living in the county, who in many cases seemed to possess greater influence than strangers could exert. Mr. J. W. Alexander, at that time Principal of the Sutton Model School, added more recruits to the ranks of earnest workers by organizing a number of his pupils with a few other young people into a band which, under the name of the "Young People's Temperance Crusaders," did good work during the ensuing weeks. Older workers were admitted into the society as honorary members, and the officers were chosen from among these. One of the honorary members was Mr. W. W. Smith, who was also one of the Committee appointed to accompany the younger members and aid them in their meetings, and no one worked harder to retain the Scott Act than he. He took an active part in

nearly every Crusade meeting, and on evenings, when the Crusaders were not thus employed, held other temperance meetings, thus occupying nearly every night during three or four weeks in the heat of the campaign. Not content with this, he worked and argued by day as well, and, associating his work with prayer, did not cease from his efforts until, on June 16th, 1893, the polls were closed and the victory for God and the temperance cause was won. The hotel-keepers and their confederates had gained that for which their petition has asked, but plainly they were far from satisfied with the result of the contest, and many were the curses pronounced upon Mr. Smith as one of the most active opposers of their cherished plans. Now the vote against them was greater than ever before, yet they were not content to abide by the voice of the people which they had seemed so anxious to obtain, but practiced the illegal sale of alcholic drinks until nearly, if not quite, every hotel-keeper in the County of Brome was known to be boldly and frequently breaking the law. A great cry of the liquor men while attempting to repeal this law had been "The Scott Act is all right if you would only enforce it; we don't want a law which is not carried out," and it was now the wish of those who had sustained the Act to prevent any fur-

ther complaints like this. Therefore, on the evening of Feb. 26th, 1894, a public meeting was held in Sutton to discuss the circumstances and form plans for work, and at the close a society was organized to secure the enforcement of the Scott Act in the township of Sutton. Mr. Smith, who had been instrumental in bringing about this conference, was a member of the Executive Committee of the Society.

One of the leading temperance organizations of Canada is that known as the Dominion Alliance, which is divided and sub-divided into provincial and county branches. When, on April 25, 1894, the Brome County Branch of the Alliance held its annual meeting for the election of officers, Mr. Smith was chosen its President for the ensuing year. Here was field for increased usefulness, and he took up his work with a zeal that soon won the disapproval both of the liquor party and a certain class of so-called temperance people whose principal work for the cause usually lies in criticism of the work of others.

Soon a public meeting of the Alliance was announced by the new President to be held at Sutton, and a large number of people gathered in the hall on the evening appointed. Many speakers addressed

the audience, and told in no uncertain words that the law must be enforced and offenders must be punished. It had not been deemed best to prosecute the liquor sellers without first giving them a fair and public warning, and therefore this meeting had been called; but now that they were notified of the intentions of the temperance people, if detected in dealing out the liquid poison, they had only themselves to blame. True to these announcements, Mr. Smith and others proceeded at once to obtain satisfactory evidence of the traffic in strong drink which was known to be taking place in the various hotels. This was by no means a slight task, for though the liquor sellers were not willing to keep the law, they were entirely willing to preserve the appearance of so doing, and very loath to sell liquor in the presence of a stranger, while the testimony of their regular customers could not be relied on. However, the task was done, and the evidence gathered was sufficient to condemn nearly every hotel-keeper in the county to imprisonment or a fine. On June 6th, these cases were considered in the District court, at Sweetsburg, Quebec, and punishment was meted out to the offenders. In some instances where the offences merited imprisonment a fine was allowed instead, and this was accepted by the Alliance President, who believed

that justice should be tempered with mercy. This bit of leniency, however, was not taken into account by the liquor sellers in considering his treatment of them. They appeared to have altered their opinions as to the enforcement of the law, and their anger waxed hot, while many, often ranked with the temperance people, were in sympathy with them. Divisions occurred in temperance societies, because some of the members had friends who were made to suffer by the imposing of fines on the lawbreakers, and members of secret brotherhoods, who felt it their duty to uphold their brethren in good or evil, complained of the injustice of thus depriving the hotelkeepers of the property they had earned; some even declaring such transactions to be on a par with the meanest theft. Meanwhile the liquor sellers and their allies, who had already by the recent trials been shown to be a company of lawbreakers, seemed to be forming plans of their own. Many dark whispers floated through the county to the effect that W. W. Smith had better look out for his personal safety, and some declared with an air of wisdom that they would not like to be in his position, while a suspicious looking stranger, said to be a horse buyer, was noticed by some to be frequenting the hotels at Sutton and Abercorn, and attending the horse races in

the vicinity. However, Mr. Smith had not the spirit of fear, and believing, as he said, that "the Lord will take care of his own," he continued as usual to go from place to place on errands of temperance, or any other work which he felt claimed his attention.

CHAPTER II.

THE MIDNIGHT ASSAULT.

Thus matters went on until the night of July 7th, 1894, when Mr. Smith drove out from his home and returned somewhat late. After caring for his team he went into the station. It was afterwards told that some young men had noticed a stranger at the depot that night, who had appeared to be waiting for a train but had not gone away on any. After the crowd at the station had dispersed, and the inmates of the building had retired, as there was little night work to be done, Mr. Smith went into his home in the station, where his brother's family were then living with him, and having obtained a pillow for his head went back to the waiting-room, where he lay down upon a settee and dropped asleep.

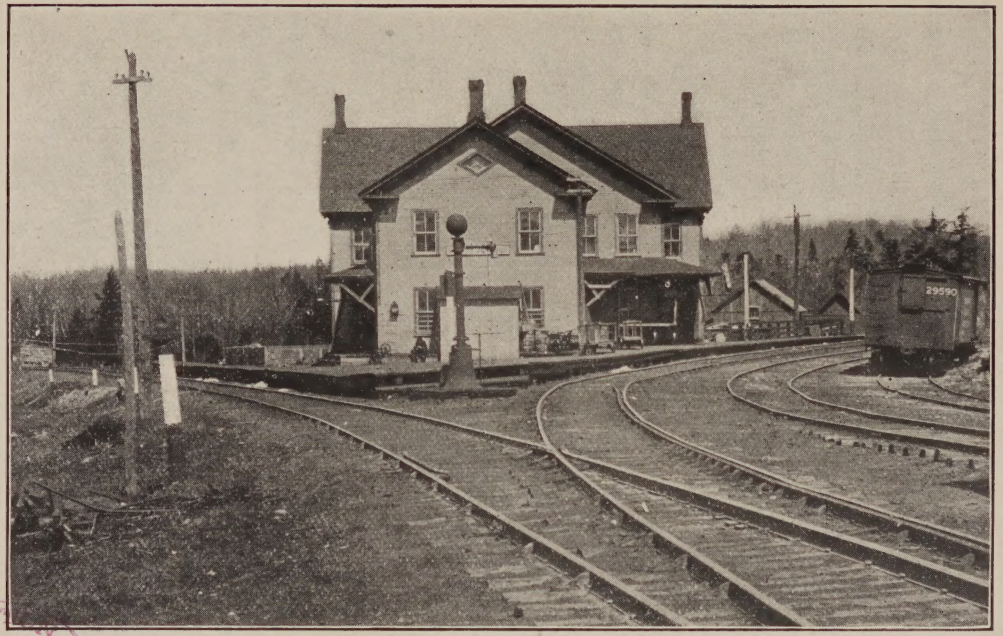
An article published in the Montreal *Daily Witness* soon after this so well describes some of the circumstances which cluster round the events of that night at Sutton Junction that we give some parts of it here. It says:

"The liquor selling ruffians will descend to any warfare however dastardly and mean when forced by law to a standstill. There is something in the sad business that degrades every one in it. This time it is liquor sellers in Brome County that are indicted. Mr. W. W. Smith, President of the Brome County Branch of the Dominion Alliance, is also the station agent at Sutton Junction for the Canadian Pacific Railway Company. As president of the Alliance he represents the temperance element of course, and that is the element determined to carry out the law against liquor selling. Mr. Smith represents them in this. In doing so he is certain to make enemies. He has been assiduous in his duty, and has been threatened several times. These threats did not keep him from actively participating in efforts to secure the conviction recently of several lawbreaking liquor sellers in Brome, some of whom were convicted, and have had sentence suspended over them pending their good behavior. On Saturday night, Mr. Smith took the night operator's place, arranging that the latter should take his place on Sunday. After securing everything for the night, Mr. Smith lay down on the sofa, never dreaming that any evil was to come to him."

Instead of copying the account of the assault which follows the above, we will describe the facts as nearly as possible as they have been related by the victim himself.

It was between one and two o'clock on Sunday morning, July 8th, when Mr. Smith was attacked by the cowardly miscreant who has thus made himself notorious. We say "cowardly," because when a large, strong man who carries arms and is a professional fighter, as he appears to have been, attacks a man who is weaponless and not more than two-thirds his size by giving him a stunning blow upon the head while he is asleep, there is clearly no evidence of heroism on the part of the man who makes the assault. Yet this was what Mr. Smith's brave assailant did!

After receiving the first blow, Mr. Smith felt a strange sensation as though he were taking a long, happy journey, and he thinks he was aroused by his assailant attempting to drag him from the settee. As a train was going by before daylight, it is the opinion of many that his intention may have been to leave his victim stunned upon the railway track, that the locomotive might complete the frightful work which he had begnn. At least, he doubtless intended by some means to guard himself from suspicion and leave Mr. Smith entirely unable ever to identify him. When he saw that the object of his brutal attack was arousing he struck him a second time, but this blow not having the effect of the former one, Mr. Smith,



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STATION AT SUTTON JUNCTION, PLACE OF THE MIDNIGHT ASSAULT.

who was now fully conscious, although he could not see clearly, grappled desperately with his foe. He saw a long weapon of some sort waving fiercely above his head, and now and then received a blow from it, while his assailant was constantly dragging him nearer the door, and he struggling to remain in the room fearing the villain might have associates outside. Mr. Smith was all the time shouting "murder," as loudly as possible, but, his mouth being filled with blood, he was unable to make himself clearly heard, and his calls brought no assistance. At length, being somewhat weakened by the blows he had received, he was dragged outside in spite of his efforts to remain within, but still no one came to the help of either himself or his antagonist. The two men, still struggling desperately, passed on from the upper to the lower platform without the station, and thence to the railway track below, and finally back to the lower platform. Then Mr. Smith got possession of the weapon which his assailant had been wielding, and the last hope of his enemy seemed to vanish with the loss of that, for, freeing himself from the grasp of the man whom he had thought a few minutes before was entirely in his power, he disappeared in the darkness, and fled up the track in such haste that he did not even stop for his hat, which was

found by some one upon the platform next morning. The weapon which he left in Mr. Smith's possession proved to be a large piece of lead pipe well battered and bruised, near one end of which was attached a short piece of rope, apparently intended to be slipped around the wrist of the user so that the weapon might be concealed up his sleeve.

Mr. Smith, having seen his enemy retreat, hastened to the part of the house where his brother's family were sleeping, and thence to the other part where a Mr. Ames and family lived, and aroused the inmates of both apartments, who were very much surprised and alarmed at thought of the frightful scene which had been enacted so close to the apartments where they were calmly sleeping. However, there was one brave man, a train hand, who was sleeping above the scene of the assault, who declared that he had heard the blows when given, but did not go down to learn the cause as he "did not want to mix up in it," and was afraid he might get hurt. There are far too many people who display the same disposition when others within their reach are in danger or in need of assistance. When the people of the house were awakened it seemed already too late to capture the retreating criminal, but Mr. Smith's injuries were attended to, and a message sent at once by telephone

to Sutton for a physician. The bruises proved to be very severe, and it seems to be a modern miracle that life itself was spared.

The article from the *Witness*, part of which we quoted above, after describing the assault, says:

"A good deal of indignation is felt by the law-abiding people not only of Sutton Flats, but of the county, and it is hoped that every effort will be made to discover the perpetrator. The woollen cap and slung-shot should give a clever detective a good clue to work upon. Some time ago, at the public meeting called to discuss the liquor question, Mr. Dyer, M. P. for the county, said that the authorities had been twitted by the liquor men for not enforcing the Scott Act. That reproach might have been justified in a measure at least, as there was some doubt as to the opinion of the people in its favor. But in 1893 the liquor men had appealed — and perhaps it was well they did so — to the county, to decide whether that law should be enforced or not. The county had declared against the liquor men. Now the time had come when this majority should stand at the back of the officials, and all should endeavor to enforce the law. Mr. Dyer's remarks at the time were taken to represent the desire of the law-abiding people of Brome County. In carrying out this idea, Mr. Smith, they contend, was simply doing his duty, and it is expected that in doing it he had the majority of the people of the county with him."

This brutal assault, made upon a law-abiding citizen by one whom he had never injured in any way is a fair sample of the fruits of intemperance wherever found. There are those who have seemed loath to believe that Mr. Smith's strong temperance convictions and his activity in carrying them out were the real causes which led to the bitter hatred that inspired this fiendish act. They seem to think it impossible that "respectable (?)" citizens of a temperance county should attempt in such a reckless, lawless way to prevent opposition to their traffic in strong drink. But what is there incredible in this? When we consider that traffic in strong drink means a trade in the souls of men, women and children, and in innocence, virtue and hope; when we remember that the bartender daily takes from his customers the price of food, clothes, health, respectability and all that he has of real value in the world, and gives him in return nothing but liquid ruin; when we know that the rumseller's business is a sort of wholesale murder continually, inasmuch as by it millions of lost souls are sent into eternity annually; in view of all these facts, why should we be surprised when the liquor sellers of a community plan together to rid themselves of one who has vigorously opposed their dangerous work? It is only another form of the same business.

The disclosures following the assault upon Mr. Smith convinced many people of the evils of the liquor traffic, and some who had favored and pitied the hotel keepers when they had been fined for law-breaking now turned against them, feeling that they could no longer uphold their deeds. Meantime, some of the hotel keepers of the vicinity gave evidence of their guilt by disappearing from the locality very soon after the assault took place.

The investigation of the affair was placed in the hands of S. H. Carpenter, Superintendent of the Canadian Secret Service, and detectives were at once set at work upon the case. Either Mr. Carpenter or one of the men under his direction was constantly in the vicinity, seeking to obtain clues by which to determine the guilty party. One man, who lived near the mountain pass between Sutton and Glen Sutton, declared that, early on the morning of July 8th, he had seen two men pass his house driving very rapidly and going in the direction of the latter village, one of the men having no hat, but wearing a cloth around his head. Of course this story had an air of significance inasmuch as the assailant of the previous night had left his hat at Sutton Junction, but it did not prove to be of much importance. It was soon settled in the minds of many that the

stranger whom we have mentioned as having been frequenting the hotels at Sutton and Abercorn had been the wielder of the lead pipe on July 8th, but his name and whereabouts were not to be obtained, as he had been sailing under false colors during his stay in the country, and those who were initiated into the secrets of the case, of course, kept silence.

At length, Mr. Smith received a letter from a woman in Vermont, who had formerly been employed at one of the hotels in the vicinity of the assault, and soon after he met this same woman at Sutton, and her evidence was a great aid towards locating the assailant. She knew nothing about the pretended Boston horse-buyer, who had apparently forgotten the object of his northward journey and disappeared without having purchased any of the Canadian steeds, but she remembered an American having once stopped for a time at the hotel where she was then working, and from the description given it seemed that he might be the same man. The one whom she described she said came from Marlboro, Mass., and thither a man was soon despatched in search. It proved that the man to whom she had directed Mr. Smith was not the one in question, but in searching for him the real perpetrator of the crime was found, as he chanced to

be also a resident of Marlboro, Mass. Having located his man, the gentleman in search returned home, leaving in Marlboro a Canadian detective who should keep watch of the man until Mr. Carpenter went there. However, when Mr. Carpenter, who was accompanied by Mr. Smith, reached the place, the man whom they sought had already been lost track of by the detective, but after a few days Mr. Smith saw him in company with several others, and at once identified him as being the man whom he had seen in the vicinity of Sutton Junction previous to the assault, and also as having the form and gait which he had noticed his assailant to have when he had watched him fleeing from the scene of his cowardly attack. Soon this man was captured at Hudson, Mass., a place about five miles distant from Marlboro. He was arrested by Chief of Police Skully of Hudson and Policeman Hater of Worcester, and taken to Fitchburg. The name of this young man who had apparently come very near being a murderer was Walter W. Kelly, and he had been a bartender in Marlboro, which probably made him feel more sympathy for his Canadian brethren when their liberty to sell intoxicants was interfered with.

While at Fitchburg, Kelly was advised to yield

himself up and go freely to Canada with Mr. Carpenter and Mr. Smith, because, he was told, they were determined to have him at any cost, and, if he made them the trouble and expense of extraditing him, he would only be obliged to lie in jail a much longer time before his trial could take place, whereas the sentence of punishment would doubtless be just as severe in the one case as in the other.

Acting in the spirit of this advice he gave himself up into the hands of Detective Carpenter and went with him to Montreal, where he acknowledged his guilt, and also told that he had been hired to do the deed by John Howarth, a young man who lived with the hotel keeper at Abercorn, and that James Wilson, one of the hotel keepers at Sutton, had driven the team which carried him to and from the Junction on the night of the assault.

Mr. Smith, who had also accompanied Mr. Carpenter to Montreal, at once returned home, and, having notified a number of his friends and procured a constable from Knowlton, Que., went in company with several others from Sutton to Abercorn, on Saturday night, August 25th, for the purpose of arresting Howarth. On a Saturday night also, just seven weeks previous, a smaller company of men had gone from Sutton in the opposite direction, not

to arrest a guilty man, but to assault an innocent man, not in the cause of right and justice, but of wrong and injustice. But now it seemed that the tide had turned!

The little company of "friends of temperance" surrounded the Abercorn hotel, and the constable, going to the door, called loudly to Mr. Jenne, the proprietor, who was doubtless in the land of dreams. Mr. Jenne, who appeared to be somewhat suspicious, was loath to open his house at that unseemly hour, and demanded his visitor's name; but the constable, giving a fictitious name, enquired for John Howarth, and when that individual made his appearance, he was at once arrested in the name of the Queen. Seeing the people outside, neither he nor Mr. Jenne dared resist, and, being assured by the latter that he would soon have him free again, Howarth accompanied the constable to the jail at Sweetsburg, feeling, doubtless, much less pleased with his future prospects than he had felt when planning by violence and bloodshed to frighten the temperance people into submission or silence, and leave himself and his congenial associates free to drink and sell as much liquor as they chose. Thus Satan may sometimes appear to his servants as a very good master when they serve him faithfully, and accomplish his

designs, but when they fail to carry out some of his cherished plans and find themselves in danger and trouble, as a result of their zeal in his service, then he proves a very poor sort of comforter. Better far to serve a Master who will not forsake His followers in time of need!

A few days later an attempt was made to arrest James Wilson, who had left the hotel at Sutton, and was thought to be staying at Glen Sutton, his former home. This expedition is so fully described by an article in the Montreal *Daily Star* that we quote from it here. The two local guides mentioned in this report were W. W. Smith and his brother, H. S. Smith. The account, dated August 31st, is as follows:

"A mysterious midnight expedition left Richford Station, Vermont, a little after twelve this morning, and disappeared in the gloomy shadow of Mount Sutton. The party was composed of Superintendent Silas H. Carpenter of the Canadian Secret Service, a *Star* reporter and two local guides. The object of the expedition was a search for James Wilson and M. L. Jenne, hotel keepers of Sutton and Abercorn, for whose arrests Carpenter held warrants. These men are accused of being the conspirators who organized, aided and abetted the arrangements for the attempted and nearly successful murder of W. W.

Smith, the President of the Brome County Temperance Alliance, who for some time has been like a thorn in the side of the Brome County hotel keepers, because, by insisting upon the enforcement of the law, to wit, the Scott Act, he spoiled their profitable liquor trade. The excellent means of communication in the counties of Missisquoi and Brome, by telephone and otherwise, necessitated the greatest care in keeping the purpose of the trip secret, especially because the entire county seems to be situated too dangerously near the American border line for officers of the law to take any chances, and, accordingly, the ground had to be reached from Sweetsburg in a round-about way. It was with grave apprehension that the officers of the court and the citizens of that town let our small party depart on what to them appeared a most dangerous errand; it seemed perfect folly to them that Detective Carpenter alone, with only a *Star* reporter, should thus attempt to 'beard the lions in their dens' — and on a very dark night, too!

"Why, they said, when the constable from Knowlton went to arrest Howarth, another of the alleged conspirators who lives in the same vicinity, last week, he surrounded the house with a cordon of twenty men. They said, besides, the Wilsons were known as a fighting family, who would never allow a member to be arrested easily. As to Jenne, no two men would be able to prevent him from slipping out of the house and escaping. As it turned out, Mr. Carpenter had, in a measure, a greater success than even he anticipated. Since the arrest of the man Kelly,

who was hired to do and perpetrated the act of assault, those who were interested in the plan of getting rid of Mr. Smith have evinced a really remarkable preference for the air across the line, and a score of residents of this vicinity more or less connected with Brome liquor interests have emigrated to the neighboring towns of the United States, hoping that they may not be extradited. Mr. Carpenter's little excursion cost a good many people beside himself their night's rest. The first house where Wilson was supposed to be was searched at about three this morning, and three other houses were subjected to a similar process within the next two hours. At the last place Wilson's parents, wife and sick child were found; but they pleaded utter ignorance of the head of the family's whereabouts. There is little doubt but that he is in hiding in the States. Jenne's hotel, at Abercorn, was visited about six, and he, too, was in the States. But Mr. Carpenter gave Jenne's son such convincing proofs that his father would be extradited anyhow, and that his staying away would only be considered an acknowledgment of guilt, that the old man was sent for and decided to come to Canada without trouble. It is known that the confession of Kelly, now under arrest, implicates, directly and indirectly, a dozen or so of well-known people around here. There is a promising prospect for penitentiary terms for several of them."

In the above account is given evidence of both the guilt and cowardice of these hotel keepers. When

LIQUOR POWER.

NOTICE TO C. P. R. EMPLOYEES
WHETHER ON OR OFF DUTY, YOUR TIME BE LONGS TO THE COMPANY, AND YOU ARE WARNED NOT TO TAKE ANY PART IN TEMPERANCE WORK, INVOLVING OPPOSI TION TO THE LIQUOR POWER. ON PAIN OF DISMISSAL.
BY ORDER OF THE POWER
COUNTERSIGNED
VAN HORNE
DISMISSAL WM. SMITH STATION AGENT
INFLUENCE
J. W. Bengough

THE GENERAL MANAGER OF THE GENERAL MANAGER.—*Grip.*

PUBLIC LIBRARY

men concoct plans of evil which they dare not execute in person, and then hire a foreigner to carry them out, it is not strange if they prove too cowardly to face justice when their part in the crime has been made known. It is little wonder if they seek a foreign clime, but more strange that they do not hide for shame after their fear of punishment is lessened. Is it because they find too many sympathizers at home?

Let those who doubt that this crime was undertaken because of the temperance principles of its victim search the records of other localities for parallel cases. Many earnest men and women have suffered for the same cause. Satan never yields a foot of ground anywhere without fighting vigorously to retain it, and no important reform was ever inaugurated but it met with strong opposition from the first.

The more important a reform also, that is to say, the more it is opposed to the rule of the powers of darkness, the more bitter the persecution is likely to be which meets it at every step. Witness the fierce opposition to the spread of Christianity in the early centuries and the persecution which has almost always followed its introduction into a new, neglected region. The temperance reform has been no excep-

tion in this respect, and as a leading temperance worker has said: "The martyr-roll of temperance is just as sacred as that of any other reform that was ever inaugurated."

This same worker, Mr. J. C. Nichols, gives a sketch in this connection which may be of interest to the readers of this narrative. It is of a young man in New Orleans — a young man pure and earnest, such as the world everywhere has need of. He was a zealous temperance worker, and had met with considerable success in this work, which lay so near his heart. One dark night, alone and unarmed, he was crossing a bridge beyond which lay a clump of bushes. When he reached these bushes he was confronted by six men with weapons who lay in ambush waiting for him. They sprang out and shot him, and, not content with that, bruised and battered his features beyond recognition. And then his noble mother wrote to Miss Willard, President of the World's W. C. T. U., that she had yet two boys left, and she had rather they would die as he had, fighting for the right, than that either of them should turn aside to the right hand or the left.

These six men, attacking one defenceless temperance man, displayed the same spirit of cowardice as their northern brethren show when they hire a stran-

ger to do the work for them. They had greater success attending their efforts, but probably there was no more hatred or revenge in their hearts than was in the hearts of the Brome County liquor sellers when they sent to Massachusetts for a prize fighter to come north to injure and perhaps kill a Christian temperance worker.

Through the providence of God, the plans of these men do not always succeed, and when they do the real victory is often for God and the right rather than for them, because no right-thinking man or woman can but oppose them and their business when they see such fruits of the traffic. North or south, the nature and effects of intemperance are ever the same.

CHAPTER III.

THE AUTUMN COURT.

The Autumn Court of the District of Bedford was opened at Sweetsburg, Que., on Thursday, August 30th, 1894, and at this session the Sutton Junction Assault Case was considered. The lawyers in charge of the case were H. T. Duffy, on behalf of the Alliance, and E. Racicot, on behalf of the accused hotel keepers. The court room was thronged each day with eager listeners, and much interest was evinced both by the temperance and anti-temperance people.

The following account of proceedings at court and other matters relating to the assault case is from *The Templar*, a temperance paper, published in Hamilton, Ont., and a large part of this description was also published in the Montreal *Daily Witness:*

"The excitement in Brome County, Quebec, over the arrest of several prominent liquor sellers on the charge of conspiring to murder Mr. W. W. Smith, President of Brome County Temperance Alliance,

increases as the developments are becoming known to the public. According to the evidence, there remains no longer any question that Mr. Smith's devotion to Prohibition, and particularly his determined stand for the honest enforcement of the Scott Act, which is in force in that county, made him a shining mark for the vengeance of the men whose trade and profits were so seriously affected thereby. The confession of Walter Kelly, the assailant, that he was employed to 'do up' Mr. Smith because he was a man who gave the hotel keepers much trouble, and had to be thrashed, as well as the payment of money by Mr. Jenne, proves the animus of the assault, while the general evidence indicates a widespread conspiracy, embracing others than the accused, to cause the diabolical crime. The publicans of Brome, and, indeed, the liquor traffic as a whole, lie under the terrible suspicion of sympathy with this crime. It is not beyond the traffic. Its record is traced in blood as well as tears. *The Templar* is quite ready to believe that there are men in the business who would shrink with horror from the very thought of engaging in such a deed of blood, but the assault upon Mr. Smith, of Sutton, is the natural fruit of the damnable business, and those exceptions have not been wholly dominated by the genius of the traffic. What cares the liquor seller who suffers while he thrives? The excitement centres at Sweetsburg, where the court is engaged in hearing the evidence against James Wilson and M. L. Jenne, hotel keepers at Sutton and Abercorn, who are charged

with conspiring to murder Mr. Smith. The preliminary hearing began last Friday morning. People had come from all parts of the surrounding country, and several newspaper people from across the line, male and female, were on hand.

"The Magistrates occupying the bench were Messrs. C. H. Boright and G. F. Shufelt; Mr. H. T. Duffy was prosecuting attorney, with Hon. Mr. Baker as counsel. Sheriff Cotton was also present. The prisoner, John Howarth, was represented by Mr. E. Racicot, and was in court.

"Howarth is an American, and still a young man. He is closely shaven, and wears his hair cropped short. He came here about three years ago, with a stallion worth about $1000, in which he owns a half interest. The man who owns the other half still lives in the States, and by means of tedious litigation has been trying to get his share. This man at present lives with the Jennes, at their hotel at Abercorn. He is one of the principal figures in the case, because he, it is said, was the man to whom the entire management of the attempted murder was entrusted.

"Mr. Smith is a medium-sized man, with a heavy blonde mustache, and is a fluent talker, who evidently is very much in earnest in his temperance work. He seems to possess the lives of the proverbial cat; but many people here prophesy that they will not be of avail to him much longer—meaning thereby that the liquor men will yet be the death of him. This does not seem to worry him much, however.

"Kelly is a well built man, a little over medium

height, with dark brown hair, restless, dark eyes, and a small mustache, turned to a needle point at each end. It cost a great deal of time and trouble to locate him; once nabbed, he turned Queen's evidence.

"Mr. W. W. Smith was the first witness. His testimony consisted in a description of the assault as our readers are already familiar with it. He narrated how he had warned the hotel keepers against breaking the Scott Act, on pain of prosecution, and how, by interposing on their behalf, he had saved many of them from prison. He concluded his evidence with a description of Kelly's attempt to murder him. Every eye in the court room was fixed upon Walter Kelly, the man who committed the murderous assault, as he entered the witness box. It was generally known that he had turned Queen's evidence, and would tell a thrilling story. He took the situation very coolly, and after explaining that he had been a bartender in Marlboro, Mass., gave the following testimony:

"'Some time before the end of June last, I was shown a letter by a man named Flynn, which requested him to come or send a man to do a job, and it was stated that there was good money in it. The letter was written by a man named Howarth, who resides at Abercorn, P. Q., in the county of Brome. Neither Flynn nor myself paid much attention to this letter, as we did not understand the meaning of it. About the end of June, the same man showed me a second letter, which he had received from Howarth,

also requesting him to send a man on the next morning to do a job connected with the liquor business, and he asked me to go, as there was good money in it—about two hundred dollars—and I agreed to go over. He then instructed me to go to a man named Willard, whom Howarth had instructed to give me the money to pay my way, or give me a ticket. I went to Willard, and told him that I was going to Canada to do a job for some parties there; that Howarth had sent for me to call on him for the money to buy the ticket to go there, and that he would repay him. Willard gave me ten dollars, and I bought my ticket, and came on to Abercorn. I started towards the hotel there, when Howarth drove up, recognized me, and asked me to get into his wagon. He drove me to Jenne's hotel, and there introduced me to Mr. Jenne as a Mr. Stewart. While at the hotel, Howarth told me he had sent for me to thrash a fellow named Smith, who lived over at Sutton Junction. He said that he was a mean cuss who drank all his life, would drink whenever he got the chance, was all the time running after the women and, to cover up his deviltry, he goes round preaching temperance, and raising the devil with the hotel keepers. They wanted to chase him away and get him out of the business. Howarth went on to say that Smith, who is station master at Sutton Junction, was so mean that people cannot ship goods to that station without their being opened, looked over and their contents reported to the temperance people. They had, he added, reported Smith to the com-

pany, and his discharge had been ordered. I asked Howarth what about the money for doing this job, and he answered, "Don't fear; everything is fixed, and you will be well taken care of." In the afternoon, Howarth took me to Sutton, and we called at Curley's hotel, and went from there to Lebeau's, where he introduced me to a man named Lebeau, who owns a race course, as a Mr. Stewart, a horse buyer from Boston. I then rode with Mr. Lebeau and drove his horse, staying round there until the evening, when I went back to Curley's hotel, and had supper. I did not pay for it, and was not asked to pay. I went to Sutton, purchased a ticket for Richford, where I met Howarth in the afternoon by agreement, received fifteen dollars from him and had a long conversation regarding the job I was to do, after which Howarth went back to Abercorn. I, however, remained over night at Richford, and next morning took the train for Sutton. I then went to Mr. Wilson's hotel, and remained there for two or three days. They asked me no questions in regard to my board bill, they did not seem to care whether my bills were paid or not, and they were never paid by me. I remained there until the horse race at Knowlton, to which I went with Mr. Wilson, and where I expected to meet Howarth with a team for me to use, but I did not find Howarth at Knowlton. I left Knowlton the same night, and rode back to Sutton, to Wilson's hotel, with a man whom I met at the races. A day or two following, I was supplied with the team, which was fed and cared for free of

charge at Curley's and Wilson's hotels. This team was supplied me for the purpose of driving to and from the Junction in order to meet Smith. The night I committed the assault on Mr. Smith my team was at Curley's hotel until 9 o'clock in the evening, when I ordered it to be harnessed. I then started for the Junction, and on the way I met a man a short distance out of the village, whose name I do not remember, but I would probably recognize him if I saw him again. I was supplied with a disguise of clothing, which was put into my buggy when the team was sent to me. I do not know who put it there, but Howarth gave me to understand that it would be there.

"'Some talk transpired between myself and the parties engaged in this matter as to what weapon I should used to beat Mr. Smith, when it was suggested, I think by Howarth, that a piece of lead pipe would be a good thing, and when I opened the bundle, I found a lead pipe in it. I saw that it was a piece of new pipe, and I battered it to give it an old appearance. There was also a new hat in the bundle. When this man got into my buggy, I drove to Sutton Junction, where I waited for Mr. Smith. After our arrival there, and until I had committed the assault on Mr. Smith, the man who drove with me from Sutton kept the team waiting for me about one hundred rods from the station. I saw Mr. Smith arrive at the depot about 10.30 P. M., and after putting the team up, he went into the station with four or five men. I watched Mr. Smith until

all the men had left, the last two going north on an engine, after which I saw Mr. Smith lie down on a settee. After some time I entered the room, where he was lying, and struck him over the head with the pipe, which was in my possession. His head moved on the pillow, and when he started to rise, I struck him again. We then clinched, and had quite a severe struggle during which I lost my hat and the lead pipe. I then freed myself from Mr. Smith, and disappeared, running to where the team was waiting for me. We drove direct to Sutton, where the fellow jumped off, and I kept on to Richford, where I left my team at the American hotel, telling them that it would be called for. On the way to Richford after having committed the assault, I called at Jenne's hotel, Howarth having told me that on my way back the money would be left with Jenne to pay me. When I arrived there I called to him, and after a few minutes he came, and I asked him if there was some money there for me, and he said, "Yes," and at the same time he went back and brought out fifty dollars, which he gave me. I asked him where the rest of the money was, and he said: "Only a part of it had been collected; give me your address, and we will collect it and send you a money order." This money order I have never received. At Richford I hired a team and drove to what I thought was about half way to St Albans, where I stayed all day Sunday, and took the night express for Boston. The bay horse and open buggy, with yellow running gear, were furnished me by Howarth

a few days previous to the assault. The team was engaged by Jenne at the livery stable in the rear of the American House, Richford, and the young man who drove the team on the night of the assault was young Jim Wilson. He left me at Sutton, and I was instructed to leave the team at the Richford livery stable above mentioned, which I did, and the same livery man whom I asked for another team to drive me to St. Albans, or a part of the way, hitched up a team and sent a man with me whose name I do not know. When I drove up to his place that Sunday morning, I awoke him and said that I had brought back his horse which I had been using for the last few days, and I also told him that this party would settle for it, and he replied, "All right."'"

In this testimony of Kelly's we see the evidence of a preconcerted plot in which many liquor men, both Canadian and American, must have been initiated. It is an important fact also that the man entrusted with the execution of their lawless plans was himself a bartender. From the evil account of Mr. Smith's deeds, which Kelly says was given to him on his arrival in Canada, it appears that the enemies of temperance are not contented with taking the property of their fellow-men as they often do in different ways, they are not even satisfied with inflicting bodily injury and suffering upon those who

oppose their ways, but they would blight their reputation, and this, too, is no small injury, for in the words of Shakespeare:

"Who steals my purse, steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed."

The announcement also that the liquor men had reported their enemy to the railway company, and that his discharge had been ordered, is significant in the light of later events. The complaint made by them to the company seems from the above to have been that Mr. Smith was examining goods shipped into the county by way of Sutton Junction, and this, we are assured, was a false report. However, it seems probable that, if the hotel keepers had not been receiving illegal goods in this way, they would not have been so suspicious. Another account of Kelly's testimony was published in the Montreal *Daily Star*. Omitting those parts which do not differ materially from the report in *The Templar*, this report is as follows:

"The reason that Kelly did not get his hundred and fifty dollars for half murdering Mr. W. W. Smith, it appears, was 'that he did not half finish his job;'

at least that was the reason given in another letter of Howarth to his friend Mr. Flynn in the United States, who showed it to Kelly. It is left to the imagination as to what the result would have been if he had finished the job. Kelly's testimony occupied all the afternoon, and he stood the ordeal extremely well. Mr. Racicot tried to shake him, but in vain. He told his story in a straightforward manner, and it showed how easy it is even in our present civilized and advanced age to get rid of or punish people without running personal risk of bodily injury if you go the right way about it. The case is also a forcible reminder of the truism that the laborer is worthy of his hire, and that things done on the cheap are apt to turn out badly. . . . . .

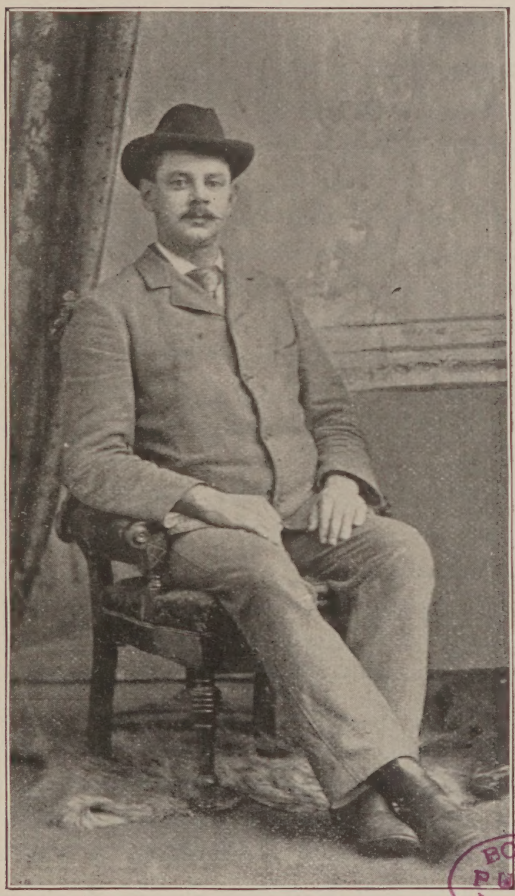
"That night he drove in the vicinity of a friend's home, where he was told that Smith was not at home. He went with the intention of seeing Mr. Smith. If he had met him he would have licked him then and there. He always stayed at the Wilson's, when he had nothing better to do, and they did not charge him anything. He was convinced that the Wilsons, though they did not say so, knew perfectly well what he was doing. Kelly met Smith once at the Sutton Junction station while he was on the train. The night of the attempted murder he asked Jim Wilson to drive him. Wilson must have know what Kelly was going to do, for the latter undressed while they were driving together, and put on the disguise, and Jim Wilson must have seen him put the lead pipe in his pocket. Wilson waited for

him with the rig, while the drama in Smith's station-house took place. Kelly then rehearsed the act himself, varying but little in the story from the version given by Mr. Smith. The remainder of the story was soon finished. . . . . .

"When he was half way to St. Albans he sent the Richford team home and hired another on the road. He took the train at St. Albans to Boston, and from there returned home to Marlboro. He met Howarth at Marlboro afterwards, and Howarth said that he would see about the money. He then spoke to Howarth's friend Flynn and the latter wrote. In reply he got back a letter from Howarth, in which the latter said: 'Kelly did not half do his job, and all the others are kicking at me.' At any rate, Kelly did not get his one hundred and fifty dollars. Mr. Racicot then took him in hand and tried very hard to tangle him up. He commenced by trying to break down the force of the evidence of the letters, which Kelly claims Howarth has written, and which Kelly claims he had seen. Of course he had to admit that he could not swear they were written by Howarth. Next, his efforts were directed to words trying to prove by Kelly's testimony that the assault was not a murderous one. Partly to protect himself, partly because he believed it the truth, Kelly then was compelled to testify that he was not asked and had not undertaken to kill Mr. Smith. He never told any one that he had, and did not intend to kill him or do him serious injury. The murderous-looking gas pipe club on exhibition on the Judge's Bench

gave this part of the testimony a rather sarcastic tinge. In continuing, he got Kelly to say he did not think he had hurt Smith seriously, but simply that he had fulfilled his contract. It came out that, while living in Marlboro, Kelly was a barkeeper, and was seen drinking with others in a hotel. There is apparently a good opportunity for missionary service of the sort Mr. Smith delights in in Vermont. He was asked to go into lengthy details as to how he was arrested, brought from the States by Mr. Carpenter and treated while in his custody, and said that he expected to take his chances on being sent to jail or penitentiary. When his testimony was finished a wrangle took place between opposing counsel as to whether or not prisoners should be admitted to bail. Mr. Duffy opposed in so far as Howarth was concerned, because he was an American, and because once at liberty he would approach the other conspirators and frustrate the ends of justice. Finally Howarth was remanded till Wednesday. Jenne was allowed out on nominal bail, and Kelly remanded to the custody of Mr. Carpenter. Some more arrests and some more verbal and very interesting documentary evidence is promised for Wednesday."

The statement of Kelly that he did not intend to kill Mr. Smith, and was not asked to do so, has a decided look of absurdity when viewed in the light of the various circumstances surrounding the assault.



WALTER K. KELLY, MARLBORO, MASS.

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If he simply intended to "lick" Mr. Smith, why did he attempt it in such an unfair and cowardly way? Why did he, when the object of his assault was asleep, attack him with a weapon which might cause death? And why, having such an advantage over his victim, did he begin at once to pound his head? This is a very dangerous way to administer a whipping! Moreover, if the hotel keepers of the vicinity only wished to have Mr. Smith pounded, it seems strange that not one of their number was willing to undertake the task himself. Or, if not, why did they not hire some ruffian who could be induced to give almost any man a pounding for a smaller sum of money than that promised to Walter Kelly, and, besides, might have supplied his own necessary outfit, and save them the trouble and expense of providing board, team, weapon and disguise of clothing.

Again, the liquor men should have known that such a course would not be likely to help them very much, for any man who is sincerely in earnest and seeks the prosperity of a good cause, will not be likely to stop his work because of a slight pounding. There are many things in this world not easy to understand or explain, and this affair seems to be one of them, but, of course, it is a lawyer's business to work for the interests of his clients, and

prisoners usually consider it their privilege, when in the witness box, to work for their own safety.

The testimony of Mr. Smith, which had been begun on Friday, and had given place to Kelly's evidence when he arrived from Montreal, was resumed on Wednesday, Sept. 5th, when the case was again considered in court. The following report of Wednesday's proceedings was published in the Montreal *Daily Witness :*

"The preliminary enquiry into the Sutton Junction attempted murder case was resumed this morning before Messrs. C. H. Boright and G. F. Shufelt, J. P.'s. The court room was crowded, and much interest was evinced in the progress of the case. Mr. W. W. Smith, continuing his evidence, described his struggle with Kelly. The first blow rendered him partially unconscious, and apparently was not repeated for two or three minutes. A second and third blow was given with the lead pipe, but, owing to his having clinched with Kelly, they did not have the effect of the first. During the struggle, both men got out on the station platform, and eventually rolled from the upper to the lower one, Smith all the time calling out 'murder,' and Kelly breaking loose ran away. He was positive that it was Kelly's intention to kill him, not merely to give him a beating.

"He recognized the lead pipe as the weapon Kelly used, and also the hat was the one he left behind in the station.

"He went to Marlboro on August 25th, and identified Kelly, whom he saw drinking with three other men at the bar of the Central House.

"He travelled from Fitchburg to Montreal with Mr. Carpenter, and was present in the former's office, when Kelly acknowledged to having committed the assault.

"Two other witnesses testified to having seen Howarth and Kelly together at Sutton, on May 24th, where it was given out that the latter was from the United States, and was buying horses. It was also in evidence that Kelly was seen at Curley's hotel, Sutton, on the evening that the assault was committed."

After these witnesses were heard, the case was put over until Spring, to be considered and decided by the Court of Queen's Bench, which was to be held at Sweetsburg, in March, 1895. Kelly, Howarth and Jenne were committed for trial at that time. Jenne was released on bail, and application was made for bail to be granted for Howarth also. This was refused by the magistrates, and Mr. Racicot then applied to the Judge, being opposed in his application by Mr. Duffy, the lawyer for the Alliance.

Judge Lynch carefully considered the matter in its social and legal aspects.

He brought up several cases in the history of the country in which application for bail had been re-

fused, recited the general principles which had governed the various judges in making these decisions, and concluded his remarks thus:

"It only remains for me now to apply these general principles, which have received the sanction of our highest courts, to the present case, and cannot better do so than by asking myself the questions which were submitted by Judge Power, as being the basis of his conclusions in the Maguire case.

"What is the nature of the crime charged against Howarth? Is it grave or trifling? It certainly is not trifling, it is one of the most serious known to our law, being nothing less than an accusation of an attempt to commit murder. 2d. What is the nature of the evidence offered by the prosecution, and the probability of a conviction? I prefer not to discuss or consider now the strength of the evidence which was adduced before the magistrates, to which alone I can look. It apparently presents a strong case, and if it is believed by the jury, and not rebutted by other evidence, it would, in all human probability, lead to a conviction. 3d. Is he liable to a severe punishment? Yes — to imprisonment for life. In face, therefore, of the answers which I am obliged to give to the foregoing questions, I cannot hesitate as to my duty in this matter. It is important in the public interest that Howarth should be present in court, and stand his trial on the charge preferred against him, and nothing can or should be allowed to interfere to prevent this from taking place.

"It might possibly be otherwise were bail allowed, and I cannot take the responsibility of such an occurrence. The application is refused."

From these words of Judge Lynch we see clearly how very serious a matter this assault case must have seemed to him at that time. After this decision Kelly was again placed in custody of Mr. Carpenter, and returned to Montreal, where he was kept in prison, while Howarth passed the winter in Sweetsburg jail.

Meantime, some of the members of the liquor party took advantage of the excitement which this assault had caused by trying to frighten other temperance people. One man, Allen C. Armstrong, living in the neighborhood of Sutton Junction, who had been an aid in the work of locating Kelly, awoke one morning to find upon his doorsteps a miniature coffin, which bore an ominous inscription, giving his name and the record of his death (without date), and calling him a "Sutton Junction detective." Also, anonymous letters were reported to have been received by two men in the same vicinity, viz.: N. P. Emerson, Vice-President of the Alliance for the township of Sutton, and J. C. Draper, President of Brome County Agricultural Society, who was also a member of the Alliance, bidding them beware lest they also suffer in the same manner as Mr. Smith.

It may have afforded a degree of satisfaction to a certain class of people to thus add fuel to the fire already kindled by the liquor men, but their cause will certainly never triumph through any such acts as these, for there will always be some in the ranks of the temperance party who will be willing to work the harder the fiercer roll the flames of opposition.

CHAPTER IV.

PROS AND CONS OF PUBLIC OPINION.

As may be supposed this assault case became the subject of a great deal of discussion and controversy, not only in the vicinity of its occurrence, but also in places far distant, and among people who had no personal knowledge of any of the parties especially concerned in it. If the assault upon Mr. Smith had been committed for almost any other reason than the one which really led to it, it would probably have caused less intense feeling than it did. But an assault of such a serious nature, made on account of a man's temperance principles and practices, appealed to the public sense of right, and seemed the signal for a war of pens and tongues between the opposing parties of temperance and inebriety. Very few of the latter party proved brave enough to have their opinions submitted to the press (or else the press would not accept them), but doubtless those opinions were freely expressed in private.

We purpose devoting this chapter to a few of the views of societies and individuals respecting this affair,

as they were published in the columns of certain newspapers. The following from *The Templar* shows the feeling of the Alliance in a border county to that in which the deed was committed, as expressed just before the opening of court:

"The Missisquoi County Alliance, at a meeting held August 28th, passed the following resolution, which was unanimously adopted amid applause: '*Resolved*, That this County Alliance now assembled desires to record its deepest sympathy with Mr. W. W. Smith, President of the Brome County Alliance, in the recent outrage perpetrated upon him by the emissaries of the liquor traffic. We rejoice to know that there is a prospect of the speedy bringing to justice of the perpetrators of that assault. We also desire to record our high appreciation of the valued services to the cause of prohibition in this section by Mr. Smith, and trust that he may long be spared to continue his heroic efforts to free our country from the ravages of strong drink.'"

The following resolution was adopted by the executive of the Quebec provincial branch of the Dominion Alliance, at a meeting held in the parlors of the Y. M. C. A., in Montreal:

"That this Alliance records its profound sympathy with Mr. W. W. Smith, President of the Brome County Alliance, in the recent murderous assault

made upon him, resulting from his earnest and successful efforts in the cause of law and order in the County of Brome, and this Alliance trusts that full justice will be meted out to the perpetrators of this atrocious crime."

The letter given below appeared in *The Knowlton News* of Oct. 12th, 1894, under the heading "A Few Words on the Other Side:"

"To the Editor of *The News:*

"SIR,—In the discussion of a case which has and is now agitating this good County of Brome, that spirit of British fair play which has attained to the dignity of a proverb has been lost sight of to a marked degree. I refer to the alleged assault on Mr. W. W. Smith, at Sutton Junction, in July last. The Dominion Temperance Alliance and its friends are doing their best, by means of the press and otherwise, to poison the public mind in advance of the trial against the party who is charged with procuring the assault on Mr. Smith, and also against divers other persons in the county who are said to be his accessories, charging them with the commission of a grave crime without a scintilla of reputable evidence on which to base such a charge. This, I say, is not fair play, and those guilty of the unfairness need not find fault if lovers of justice refuse to follow them in their raid on men and characters, or by silence lend strength to the unwarranted assumption that each

and every one of those so flippantly accused are guilty from the word 'go,' and must be pilloried in public and private, and subjected to the shame and embarrassment arising from these attacks on their character, as law-abiding citizens and legal subjects of Her Majesty.

"There is a limit beyond which self-constituted conservers of public morals must not go; and good men should not be brutally attacked in public by agents of the Alliance on the strength of the admissions of a fellow, who, if he tells the truth, is one of the meanest rascals that ever cumbered the earth. I refer to the fellow Kelly, Mr. Smith's self-confessed assailant.

"I offer nothing in defence of lawbreakers, nor would I, if I could, do aught to mitigate in the least degree the punishment that may be meted out to the person who wantonly assaults a peaceable citizen, but candor and strict impartiality force me to refuse to accept as truth all the rubbish of tergiversation with which this agitated Smith case has been surrounded by the intemperate zeal of professed temperance men. I believe in temperance, and if those who knowingly violate the law against the sale of intoxicants are brought to judgment and punishment, they get but what they deserve, and all good men will applaud the vindication of the majesty of the law. But we are scripturally enjoined to be 'temperate in all things.' This applies as well to words as to the use of stimulants, and the grossly unfair attacks on men's characters by certain of the

Alliance emphasize the necessity for a strong curb on that unruly member, the tongue, which has brought many a good man and worthy cause into grave disrepute, and made them enemies where otherwise they might have had friends.

"This whole Smith business has a 'cheap John' flavor, which makes careful men view it askance. Who witnessed the assault on Smith? Nobody. He tells of being struck three times on the head with a piece of lead pipe, weighing some four pounds, and has in evidence the terrible weapon. Did his person bear evidence of the murderous assault? No. All who saw him in the early morning following the alleged assault were surprised that he bore no marks of the terrible struggle for life through which he claimed to have passed. Why, one blow from such a weapon as he exhibits would have crushed his head as if it were an egg shell, yet he claims to have sustained three blows, and is alive to tell of it! Shades of Ananias and of Munchausen!

"But it were useless to pursue the subject further.

"It is to that spirit of fair play so characteristically British, and to which we are proud heirs, that I would appeal. Everything is being said and done to prejudice the public against those who are accused of instigating Kelly to the assault on Smith; but, singular as it may seem, Kelly is patted on the back and called a good fellow. Why? Admitting the truth of Kelly's story, is he less guilty because he had confederates? A strange feature of the case is

that Kelly willingly came back to Canada, when extradition would have been about impossible.

"He was taken to Montreal instead of to Sweetsburg, and was there royally entertained instead of being put in close jail. While in Montreal he was interviewed,—and by whom?—the Crown prosecutor? No; but by Smith and his counsel, Mr. Duffy. Meantime, several so-called 'detectives' were scouring the country for evidence. Of what? They had Smith's assailant, and he had told his story. Those whom he charged as being instigators of his crime were attending to their business, and might have been apprehended within twenty-four hours after Kelly's arrest in the States. Then what were the detectives seeking?—what were they after? That $1000 reward was in sight, and this may have been the inducing cause of this prowling.

"It would seem to 'A man up a tree' that there are certain revenges to be completed—sundry old grudges to be satisfied, and the Crown is asked to assist in this questionable work. Those familiar with the matter say that in our broad Dominion there are no better conducted hotels than those to be found in the Eastern townships. They are well kept, and the travelling public is most hospitably entertained, well fed and comfortably lodged. A well-conducted hotel adds to the strength and business character of a village, and a faithful landlord is expected to furnish guests certain necessities, one of which may be liquor.

"And because he does this should he be reviled, and persecuted, and driven out of business? That

liquor is a great evil, no one can honestly deny, and being such, and being beyond the power of man to destroy, let us do the next best thing — curb and control the evil in the best manner possible.

"A dozen wrongs will never make a single right, and the wrongs that are being committed in this Smith case have appealed to one who believes in

"*Brome, Oct. 8th, '94.* FAIR PLAY."

The following comments appeared in an editorial in the same paper:

"It is impossible to shut one's eyes to the ill-feeling that is growing throughout the County of Brome, and spreading itself over the district, as a result of what is known as the Smith assault case. Hitherto, only one side of the case has found an echo in the public press, but to-day we open our columns to a correspondent who expresses in moderate language the sentiments of those who think there is something to be said on the other side. We commend his letter to the attention of our readers without in any sense committing ourselves to the writer's conclusions. Everybody must feel sorry for the misfortunes of Mr. Smith, and if, as it is alleged by some, he has allowed his zeal to get the better of his discretion, he is not the first man who has been carried away by a superabundance of enthusiasm, or who has suffered therefor. Mr. Smith's friends will try to make a martyr of him. We doubt that they will succeed."

If, as the Editor of *The News* seems to consider, "the sentiments of those who think there is something to be said on the other side" are expressed in the above letter in "moderate language," how must those views sound when expressed in the most forcible terms of angry barroom parlance? Let us thank God that we are not compelled to hear these opinions when thus declared, nor even to see them made known through the press.

It is said in the above note that Mr. Smith's *friends* would try to make a martyr of him, but it was doubtful if they would succeed. We think the Editor of *The News* is mistaken in this, it was Mr. Smith's *enemies* who appeared desirous of making a martyr of him, and they very nearly succeeded; but, through the providence of God, he is still in the ranks of temperance workers. We are told that "one with God, is a majority," and more than one in Brome County are true to the right, therefore, the liquor party with all their efforts are still in the minority there. In the next issue of *The News*, dated Oct. 19th, appeared the following replies to the above epistle from "the other side:"

"To the Editor of *The Knowlton News:*

"SIR,—In regard to the communication in your

issue of October 12th, over the signature of Fair Play, your correspondent says:

" 'This whole Smith business has a "cheap John" flavor, which makes careful men view it askance. Who witnessed the assault on Smith? Nobody. Did his person bear evidence of murderous assault? No. All who saw him in the early morning following the alleged assault were surprised that he bore no marks of the terrible struggle for life through which he claims to have passed. Shades of Ananias and Munchausen!'

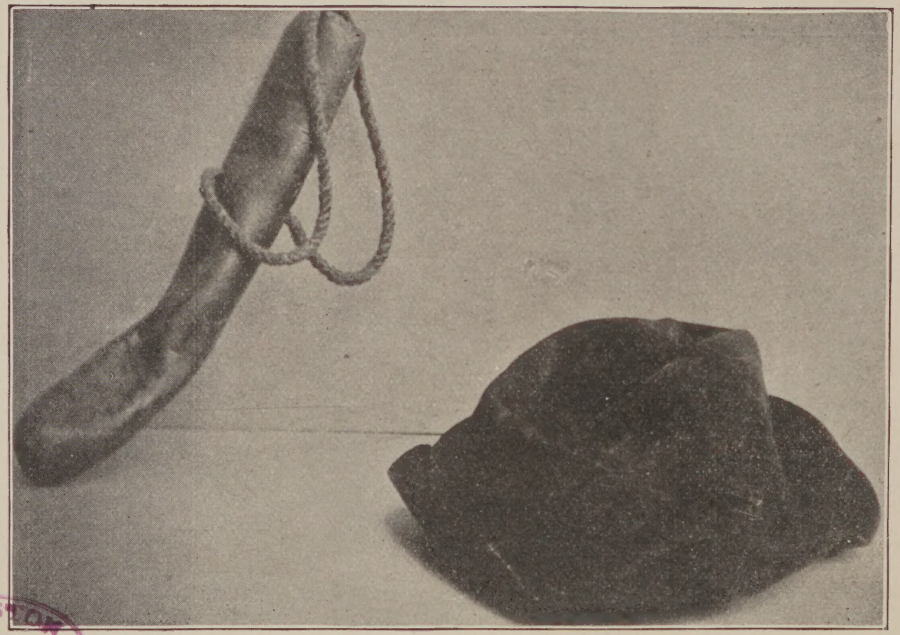
"Mr. Editor, here we have the substance calling upon the shadows. As one who visited Mr. Smith on the morning following the assault, I assert that Fair Play makes a direct departure from the truth. I challenge Fair Play to give the name of a single reputable individual who now will corroborate his assertion. Such a statement is in direct contradiction to the sworn testimony of our respected fellow-citizen, R. T. Macdonald, M. D. Mr. Smith was visited on the following morning by scores of people, and they saw upon his person the evidence of a violent and brutal assault. Many of the visitors expressed their determination to see fair play, and their willingness to subscribe, which they subsequently did, to a fund to bring the guilty party or parties to justice. Fair Play need not worry about the slandered characters of the hotel keepers of this county. Their characters are in their own keeping, just as the characters of merchants, mechanics and ministers are

in theirs. If the parties who are accused of complicity in this affair are innocent, they will have the opportunity of proving themselves so.

"And why should not your correspondent exercise that spirit of fair play, the lack of which he so much deplores in others, and not make the useless attempt to impeach Mr. Smith's veracity in the case of this assault. Such an attempt is both useless and senseless, for within an hour or two of the assault he was under the professional care of one of the most eminent and reputable physicians of the Province, who surely would at once have exposed any imposture.

"Even Fair Play would be willing to see an assaulter punished, but seems to have made a discovery which, singular to say, in nearly three months of intervening time no one has yet thought of, namely, that no assault was committed.

"The cheap John part of this affair is in Fair Play's letter, in which in one breath he professes to be a temperance man, and says a hotel keeper who violates the law and gets punished gets just what he deserves, and in the next breath tells us that liquor is a necessity, and asks why trouble the man who furnishes it. Surely, we see the hem of the cloak of hypocrisy. Fair Play should also give the public his name, so that people may judge for themselves the value of his peculiar and disinterested view of fair play; farther, some folks are already conjecturing who the author was, and it is not fair to let any one be under the imputation of a thing he did not do,



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LEAD PIPE, ROPE AND HAT.

and surely no man need be afraid or ashamed to have his own views appear over his own name. He asks, Who saw the assault? and answers, Nobody. Who saw Hooper try to drown his wife? Nobody. And yet one of these so-called detectives was instrumental in landing him in prison, and people seem to think that he did get fair play.

"Fair Play says careful men view this askance. In this town, where naturally the keenest interest is taken in this affair, nearly or quite all of the representative men have condemned the assault in the most decisive manner.

"Now, Mr. Editor, let me say that among the great mass of the people of this vicinity, there is no desire to make out that Mr. Smith is either a hero or a martyr. It is a question of law and order on the one hand, and crime and violence on the other. The assault is admitted, and a conspiracy is alleged. No doubt there are landlords in this country who would not implicate themselves in any illegal proceedings against Mr. Smith nor sympathize with the same. Such men are suffering nothing, but it is doubtful if there is a person of ordinary capacity in this vicinity who does not believe that the assault was the outcome of a conspiracy, and men are not slow in expressing the wish that if we have such people living among us that they may be exposed in their true character and punished, whether they profess to be saints or sinners, and the people of this town would extend the same sympathy and offer the same assistance to the accused parties, if they had been the

victims of an assault and suspicion pointed to Smith and the Alliance as its instigators.

"MERIT LONGEWAY.

"*Sutton, October 15th, 1894.*"

"To the Editor of *The News:*

"SIR,—Permit me to reply to some of the statements of 'Fair Play' in your paper of October 12th. First, I should like to ask what is meant by poisoning the public mind?

"If Fair Play means enlisting the sympathies of the public on the side of the temperance party, all that is needed is a clear statement of the plain, unvarnished facts. There need be no 'unwarranted assumption,' or charges without evidence, for members of the liquor party before that assault at Sutton Junction, and more especially since that time, have themselves acted in a way that has estranged some who have been their warm supporters, as they have procured the discharge of Mr. Smith from the employ of the Canadian Pacific Railway Company, whom he had served faithfully for fifteen years, and have also threatened the lives of other peaceable citizens, because they chanced to frown upon violence and lawbreaking.

"Furthermore, Fair Play declares that the Temperance Alliance and its friends, of which he plainly is not one, are charging divers persons in this county with the commission of a grave crime of which they have no reputable evidence. Thus does this very brave apostle of 'the other side' fearlessly assert,

with no proof for his statement, that all the various persons who have given evidence in this case in Mr. Smith's favor are disreputable, and their testimony of no value. Truly this is a bold statement, and it would seem that sometimes pens as well as tongues need 'curbing.' Although Fair Play declares that he 'offers nothing in the defence of lawbreakers,' yet his entire epistle is plainly in defence of just that class of people, for it is written in behalf of the hotel keepers who have repeatedly broken the law, and were convicted of liquor selling in court, not long since.

"Again, this 'believer in fair play,' in speaking of Mr. Smith, says:

"'Did his person bear evidence of murderous assault? No, etc.' Either the writer of these words has very little regard for truth, or else he knows very little of the subject he is talking about. What is he going to do with the evidence of the skillful physician who attended Mr. Smith, and who upon his first visit dared not promise that he would ever recover? What is the opinion of those people who were awakened at dead of night by cries of murder, and who found Mr. Smith with the marks of the combat freshly upon him? Why is it that he has not yet fully recovered from the effects of this assault? And what reason has Fair Play for doubting the testimony of Mr. Smith himself, even if there were no other proof? He says, 'One blow from such a weapon as he exhibits would have crushed his head, as if it were an egg shell.' Perhaps he has forgotten that circum-

stances alter cases, and the position of the victim, the courage of the assailant, and the direction of the blow might alter this case very much. It is little wonder that at this point he invokes the aid of the shades of Ananias and of Munchausen! He next states that while the public are being prejudiced against the liquor sellers of this county, 'Kelly is patted on the back, and called a good fellow.' Would Fair Play wish to be patted in the same way, being retained in a prison cell, knowing not what punishment may await him?

"We would repeat the question asked, 'What were the detectives seeking?' But we do not conclude, like Fair Play, that it was the $1000 reward they were working for, as no such reward was ever offered. The objects for which these detectives were really seeking were those men whom Kelly had accused, who, according to Fair Play, 'were attending to their business,' and perhaps they were, but if so, they must have had much business abroad. He next enlarges upon the merits of Eastern township hotels, and among other things says 'A faithful landlord is expected to furnish guests certain necessities, one of which may be liquor. And because he does this, should he be reviled, and prosecuted, and driven out of his business?' How does this compare with his former statement that he 'offers nothing in defence of lawbreakers,' and that 'all good men will applaud the vindication of the majesty of the law?'

"TRUTH."

In the following number of *The News* appeared this note:

"We are in receipt of another letter from 'Fair Play,' but as personalities are indulged in, and as we are averse to entering upon a prolonged and bitter controversy, we are constrained to decline the publication of this communication."

In this we seem to see a hint of that spirit of harshness and unfairness which so often characterizes the actions of the liquor party, and which sometimes leads to just such deeds as this brutal assault, which "Fair Play" would persuade the public had never occurred.

CHAPTER V.

THE ACTION OF THE CANADIAN PACIFIC RAILWAY CO.

It has already been stated that Mr. W. W. Smith had been for fifteen years the agent of the Canadian Pacific Railway Company at Sutton Junction. During two or three years previous to receiving this appointment, he had also held other positions in their service. He had long been a trusted and privileged employee of the Company, to whom he had apparently given full satisfaction.

It will be remembered that Walter Kelly, in his evidence at Sweetsburg, testified that Howarth had told him on his arrival in Canada that the liquor men had "reported Smith to the Company, and his discharge had been ordered." Mr. Smith soon had reason to believe, also, that his temperance work was not pleasing to Assistant Superintendent Brady, who had charge of that division of the Canadian Pacific Railway in which Sutton Junction was situated. With this man Mr. Smith had at one time been quite a favorite, but, after he had united with the temperance workers, the friendship of Mr. Brady became less apparent, and after the time of the assault his coolness grew quite marked, and it soon became evi-

dent to Mr. Smith, although his friends were long loath to believe it, that the Assistant Superintendent was anxious to get rid of him. The rumor spread abroad, also, that the liquor men were trying to influence the Canadian Pacific Railway Company so as to obtain Mr. Smith's dismissal from their employ, and people of other places became anxious to learn the truth of the matter, as is shown by the following article from the Montreal *Daily Witness:*

"It being rumored that the liquor men who so cruelly assaulted Mr. W. W. Smith, President of the Brome County branch of the Dominion Alliance, and station agent at Sutton Junction, were not content with their cowardly conduct, but were making strenuous efforts to get the Canadian Pacific Railway Company to remove Mr. Smith from his position as station agent, a *Witness* reporter, yesterday afternoon, interviewed Mr. Thomas Tait, Assistant General Manager of the Canadian Pacific Railway, on the subject.

"'Is it true, Mr. Tait, that the Canadian Pacific Railway Company have been asked by men interested in the liquor trade to remove Mr. Smith from Sutton Junction, as they disliked the active interest he takes in the temperance cause?'

"'It has been stated to us that Mr. Smith at times, in order to get convictions against men who broke the liquor laws, used the information which his position as station agent gave him to secure convictions. Of course, you understand none of our employees

have the right to use for their private ends information they get as employees of the road. I mean that if Mr. Smith prosecuted liquor men in his private capcity he was perfectly justified in doing so, but if in order to get convictions he had to use information which he could alone get as station agent, he has laid himself open to censure. I have no proof that Mr. Smith has violated the confidence of the Company. Mr. Brady, of Farnham, has gone to Sutton Junction, and is investigating the outrage, and he will let me know whether or not there is any foundation in the charge against Mr. Smith. If Mr. Smith is in the right you may rest assured the Company will take care of him.'

"'Are you trying to find the man who committed the assault?'

"'Yes, we have taken action in that direction, too.'

"Another official of the Company said: 'I was in Richford the day Mr. Smith was assaulted. It was rumored there that the liquor men were incensed against Mr. Smith, as they believed he found out by the way-bills when liquor was addressed to any one at the Junction, and used that information to get convictions. I also heard that it was men from Vermont who assaulted Mr. Smith, and that they had been sent to do the deed by liquor men in Vermont, who are enraged at Mr. Smith.'"

In this conversation the acknowledgment was plainly made by Mr. Tait that the liquor men had made complaints to the Company concerning Mr. Smith, so that,

whether their reports had any influence with the Company or not, the fact remains without contradiction that these enemies of temperance did make an effort to rob him of the favor of his employers, and they doubtless intended by this means, to accomplish just what was finally, by some means, brought about.

The only accusation which they could make to the Canadian Pacific Railway seemed to be that Mr. Smith was using information which he had obtained through his position as agent in order to prosecute them, but as these hotel keepers were accused and convicted, not of buying liquor and shipping it into the county, but of selling it to others, and as Mr. Smith could not possibly have obtained evidence of this in the capacity of station agent, but only through the testimony of those who had purchased the liquor or witnessed its sale, it is very hard to see the reason of these complaints, which were made by the liquor men, and gravely investigated by the Canadian Pacific Railway Company.

The only explanation which seems to suggest itself is that these hotel keepers felt very angry because their trade in the souls of men had been somewhat interfered with, and not content with the assault which had been committed, could devise no better way of seeking further revenge than by thus arousing the displeasure of the Company by which Mr. Smith

was employed. It was no doubt another outcome of the same spirit which had prompted that assault.

It is stated in the above report of the interview with Mr. Tait that the Canadian Pacific Railway had taken action towards discovering Mr. Smith's assailant, but it seems probable that had this statement not been made to the reporter the public would have had no means of knowing that they had made any such attempt, as the results were never seen.

Not only the *Witness*, but the Dominion Alliance as well, became interested in these rumors concerning the Canadian Pacific Railway and the liquor men of Brome, and wished to learn for themselves the truth of the reports. The following is an extract from an account given in the *Daily Witness* of an executive meeting of the Quebec Provincial branch of the Alliance:

"Mr. S. J. Carter referred to the outrage committed upon the President of the Brome County Alliance. He had known Mr. Smith all his life, and spoke very highly of the good work Mr. Smith had done for temperance in the Eastern townships. He regretted that there had come rumors from Brome which would indicate that the liquor men were not satisfied with the assault upon Mr. Smith, but were endeavoring to secure his dismissal from the position of the Canadian Pacific Railway at Sutton Junction. He wanted to know, and every temperance

man in Canada wanted to know, if the Canadian Pacific Railway were going to dismiss an officer of their Company at the behest of illegal liquor sellers of a Scott Act county? He, therefore, moved: 'That we have heard with pleasure through the press, that Mr. Tait, Assistant General Manager of the Canadian Pacific Railway, has stated to the press that the Company was doing everything in its power to discover the guilty parties in the attempted murder of their agent at Sutton Junction, Mr. W. W. Smith. That recent reports have come from Brome County to the effect that officials of the Company are in league with the liquor men, and are assisting them to prevent, if possible, further annoyance by bringing pressure upon their agent, and that the Company has made no practical effort to bring the guilty parties in the recent assault case to justice. That we hereby instruct our secretary, Mr. Carson, to ascertain from the officials of the Company if such reports are true, and make a full report for the next meeting of this Alliance.' The resolution was adopted."

Somewhat later the following remarks appeared in the editorial department of the *Witness:*

"The liquor men who tried to murder Mr. Smith, the President of the Brome County Alliance, by stunning him with a skull-cracker, and then leaving him on the track, failed in that cowardly and brutal attempt, but have escaped punishment at the hands of the authorities, who seem to be, as usual, perfectly

helpless in the matter. These same liquor men, who in Brome County are all outlaws, have the impudence to use all sorts of influence with the Canadian Pacific Railway Company to get them to dismiss Mr. Smith, who is their agent at Sutton Junction. This is a fine state of things, and the county, which is a prohibition county, is watching to see what the Company will do. Here is a chance for capital to tyrannize at the behest of organized iniquity and lawlessness."

It often happens that people get very much aroused and alarmed when there is no real foundation for their fears, but not so in this case. The following from the *Witness* of October 8th shows that there was some cause for excitement in the minds of the temperance people:

"The sequel to the lead pipe murderous assault upon Mr. W. W. Smith, President of the Brome County Alliance, occurred on Saturday last. It has been well known that the liquor men, baffled in their attempt to murder Mr. Smith, had, however, not abandoned their plan to ruin him and discourage other temperance workers in the county. Their scheme was known to the temperance people, but it was not thought possible that it would succeed. It was nothing more nor less than the securing of the dismissal of Mr. Smith from his position as agent of the Canadian Pacific Railway. It has, however, succeeded. Mr. Smith was notified on Saturday last of his dismissal from the Company's employ. Some astonishing revelations may be expected, as the tem-

perance people are intensely indignant that the Company should have yielded to the demands of the liquor party and removed from its service one who has been for years a trusted servant and a faithful officer."

It was indeed a great surprise to most of the temperance community when the news of this dismissal went abroad. They had not been ready to believe that in these days of temperance agitation, in these last years of the nineteenth century, a great and powerful corporation like the Canadian Pacific Railway Company, knowing for a fact that nine-tenths of all the terrible accidents that occur on railroads causing loss of life and property are the outcome of intemperance, would become the instrument in the hands of illegal liquor sellers to carry out their will.

The correspondence which had passed between Mr. Smith and Assistant Superintendent Brady was preserved and placed in the hands of the Alliance, who requested and obtained its publication in the *Witness*.

It was also afterwards published in *The Templar* and in several other papers. It describes many of the events which led to Mr. Smith's dismissal, and seems to show plainly the real cause of that dismissal in spite of all later contradictions. The first communication which the accused agent received from the Assistant Superintendent concerning his temperance work was as follows:

"W. W. Smith, Agent, Sutton Junction.

"DEAR SIR,—I enclose you herewith two letters, one from B. L. Wilson, of Glen Sutton, and one from Nutter & French, of Sherbrooke, both making complaints that you are taking advantage of your position as agent of this Company in getting together testimony to convict hotel keepers and others of selling liquor. It does not seem possible to me that these statements can be true, but the charges are made not only by the parties, writing these letters, but by several other parties in Brome County, and who claim that they are in a position to subtantiate them. I desire to know from you whether you have used your position to get evidence as stated above, or whether you have used your evidence which you may have come possessed of through being an agent of this Company for the purpose of convicting liquor sellers. Your immediate reply with the return of the enclosed papers is requested.

"Yours truly, F. P. BRADY, Asst. Supt.

"*Farnham, June 11th, 1894.*"

Below are the letters enclosed in this communication from Mr. Brady, and containing the complaints, or a part of them, which had been received by him concerning the Sutton Junction agent. The first was written by a wholesale liquor firm in Sherbrooke, P. Q., the second by a brother of James Wilson who,

Kelly said, drove the team for him on the night of the assault at Sutton Junction.

"F. P. Brady, West Farnham.

"DEAR SIR,—We are having goods shipped by us to Sutton returned to us with the information that your agent at Sutton Junction watches all liquor shipments that go there, and then gives the information to temperance parties, who make complaints, and get the hotel men fined. We are in receipt of two letters to that effect this morning. We think you should take some action in the matter, as it will effectually stop all shipments to that county if it continues.

"Yours truly, NUTTER & FRENCH.

"*Sherbrooke, June 6th, 1894.*"

"Nutter & French.

"DEAR GENTLEMEN,—I can't buy no more goods from you at Sherbrooke, for the agent at Sutton Junction, name W. W. Smith, is pawing over all goods and reporting, and he has been having men to inform of all the hotels in the county. Unless he is out of that job you won't do more business in Brome County. Yours, B. L. WILSON.

"*Glen Sutton, June 7th, 1894.*"

To these accusations, Mr. Smith made the following reply:

"F. P. Brady, Esq., Asst. Supt., Farnham.

"DEAR SIR,—Referring to enclosed, I deny charge made against me, fairly and squarely, and, further than that, I have looked back nearly two years and find no shipments of liquor for these parties in my transfer books. I have never used my position in any way as an agent for this Company to convict liquor sellers, and no man can substantiate such a statement.

"As a member of the Brome County Alliance, I have worked as a private citizen with other members of the Alliance, and the complaints sent to Mr. Jewell, East Farnham, as evidence against the hotel keepers in this county have come from the leading men. I shall use no evidence which I become in possession of as an agent of this Company for the purpose of convicting liquor sellers.

"Yours truly, W. W. SMITH.

"*Sutton Junction, June 13th, 1894.*"

"This is certainly a very emphatic denial of the charges made against him, and, coming from a trusted employee of fifteen years, it would seem that it should have been quite satisfactory. However, Mr. Brady

appeared to give more credence to the testimony of the liquor men than to that of Mr. Smith, and to allow himself to be influenced by later complaints which were made by them.

Some time after the above letters were written, Mr. Smith made application to the Assistant Superintendent at Farnham for leave of absence to attend a National Prohibition Convention, to be held at Montreal on July 3d and 4th. He received the following reply, which shows how unwilling Mr. Brady was to do anything which might tend to encourage Mr. Smith in his temperance work:

"W. W. Smith, Esq., Agent.

"DEAR SIR,—As per my wire of this date, I cannot arrange to let you off on July 3d and 4th; I have no spare man at liberty. The assistant at Sutton should have all he can properly attend to during the night to necessitate his sleeping during the daytime.

"Yours, etc.,

"F. P. BRADY, Asst. Supt.

"*Farnham, July 2d, 1894.*"

The next letter from Mr. Brady, written the day after the assault, and while Mr. Smith was confined in bed on account of the bruises he had received, was as follows:

"W. W. Smith, Esq., Agent, Sutton Junction.

"DEAR SIR,—Within the past four or five weeks the heads of different departments, as well as Mr. Leonard, the General Superintendent, and myself, have received numerous complaints from shippers and the public generally with reference to your actions with the late prosecution of liquor sellers in Brome County. The basis of these complaints is made that you have used your position as agent for this Company to procure evidence with which to prosecute liquor sellers. I have replied to some of these people that so far as I can ascertain you have not used your position as agent to procure such evidence; but I must inform you that the same rule with reference to temperance agitation that governs employees of this Company with reference to politics must be lived up to, i. e., you must devote your whole and entire time to the Railway Company if you desire to hold your position. You must do nothing whatever to antagonize the interests of the Company, or to create feeling between the Company and its patrons. You will understand by this that you must cease temperance lecturing or taking an active part in temperance gatherings or agitation.

"I make this letter personal as I consider that the contents of it will remain strictly between ourselves.

"Yours truly,

"F. P. BRADY.

"*Farnham, July 9th, 1894.*"

This letter is very emphatic, and if the spirit of it were carried out in every case as faithfully as Mr. Brady endeavored to carry it out in this case, the employees of the road would be a band of slaves, and the Canadian Pacific Railway a sort of Canadian Siberia with all its positions shunned by every self-respecting laborer. It is well, indeed, for the Canadian Pacific Railway that all its officers do not carry out these tyrannical rules with such precision as this, yet it is plainly inferred by Mr. Brady's words that such rules had been previously applied in the matter of politics.

If so, the Canadian public need to stop and realize what a moderate autocrat they are supporting in their midst in a land of responsible rule.

Mr. Brady says: "You must do nothing whatever to antagonize the interests of the Company, or to create feeling between the Company and its patrons." This seems to be a very strange sentence in two respects. First, how can temperance work "antagonize the interests of the Company?" A railroad is always supported by a community, and must depend entirely upon that community for its success, its wealth and its very existence. The more wealthy and prosperous a people become, the more will they patronize a railroad and contribute to its maintenance and

growth. The community, moreover, is made up of individuals, and its prosperity must depend upon the health, enterprise, ability, success and moral character of the people who compose it. Does not temperance tend to build up the virtues and prosperity of individuals, and thus to increase the general prosperity of the country and add to the success of all useful public institutions?

Second, how can temperance work "create feeling between the Company and its patrons?" Surely not all the patrons of the Canadian Pacific Railway are wholesale and illicit liquor sellers? Mr. Brady seems to entirely ignore the great company of law-abiding temperance people who would respect the Company far more if its employees were active temperance men, and with whom Mr. Brady himself, rather than Mr. Smith, created intense feeling.

It was stated in a former chapter that Mr. Smith accompanied Detective Carpenter to Marlboro, Mass., when he went in search of Kelly. Mr. Carpenter "on his own responsibility," went to Mr. Brady, to ask permission for him to do so, and the following leave of absence was sent to Mr. Smith:

"W. W. Smith, Esq., Sutton Junction.

"DEAR SIR,—You may go on No. 11, Conductor will have pass for you.

"Sinclair will be at Sutton Junction on No. 15 to-night to take charge during your absence. O'Regan must look after the business this P. M.

"F. P. BRADY.

"*Farnham, Aug. 20th, 1894.*"

As this leave of absence was indefinite as to time, and Mr. Smith was engaged with the assault case for several days after his return from Marlboro, the court having opened on Sept. 1st, he had not yet resumed work at Sutton Junction, when on the evening of September 3d he addressed a temperance meeting at Richford, Vermont. The next day Mr. Brady, who seemed to keep remarkably well informed as to the whereabouts of his agent when off duty, wrote Mr. Smith as follows, labelling this letter like the previous one, "personal:"

"W. W. Smith, Esq., Agent, Sutton Junction.

"DEAR SIR,—I wrote you on July 9th with reference to what you must do if you remained in the employ of this Company. I am aware that last night you delivered a temperance lecture at Richford; this leads me to think that you propose to ignore entirely the wishes of this Company, and do as you see fit. If such is the case you will oblige me by sending me your resignation by the first train, and vacating the Company's premises at Sutton Junction at

the earliest possible moment so that they can be occupied by the new agent.

"Yours truly,

"F. P. BRADY, Asst. Supt.

Farnham, Sept. 4th, 1894."

Strange, indeed, that the Assistant Superintendent should have supposed that an affair like this could always remain personal, and never be subjected to the public gaze! Did he not know there was a temperance community in Canada who would, at least, enquire into the case of a persecuted brother? It is strange, also, that while other roads at the present time are finding it very much to their advantage to employ temperance men to the exclusion of others; while serious accidents are frequently taking place on the different roads in which scores of human beings perish through the recklessness of some employee whose intellect is clouded by the action of strong drink; and while some new roads in the beginning of their existence are adopting very strict temperance rules; when even the Canadian Pacific Railway has been obliged to dismiss or suspend some of its men for excessive drinking; it is

very strange in view of all these facts that an official of this great road should ask a station agent, because he delivers a temperance lecture off duty, to "vacate the Company's premises, so that they can be occupied by the new agent."

An example of what intemperance among railway employees often means may be found in the Craigs' Road disaster, which occurred on the Grand Trunk in July, 1895. In this accident, thirteen persons were killed, and thirty-four others, some of whom died soon after, were wounded. At the inquest a Victoriaville hotel keeper testified that the engineer of the wrecked train had purchased from him a quart of ale on the night before the fearful disaster, which hurried so many into eternity.

There were some well-meaning people who are counted in the temperance ranks who advised Mr. Smith to submit to Mr. Brady, and take no more active part in temperance work rather than risk the loss of his agency. This advice was no doubt meant as a kindness, although it did not partake of the martyr's spirit, but Mr. Smith did not see fit to follow it, choosing rather to yield his position than his principles. However, he did not send a resignation, but a few days later wrote Mr. Brady the following letter:

"F. P. Brady, Esq., Asst. Supt., Farnham.

"DEAR SIR,—On account of circumstances which I could not in any way control, I have been obliged to delay answering your letter of the 9th of July last. I regret very much to notice that you have had occasion to refer again to complaints made against me, which you say are numerous, and not only from shippers, but from the public generally. In a former letter to you I denied any just cause for complaint.

I have now been fifteen years or more in the service of the Company, and during that time I have endeavored to render, I trust, a faithful service. I have also received another letter from you, dated September 4th, asking me to send you my resignation by the first train, and ordering me to vacate the Company's premises at the earliest possible moment, so that they can be occupied by the new agent. I wish you would explain why you order me to resign, because I delivered a temperance lecture at Richford, as I have a leave of absence from the Company for the present, and supposed I had a right to lecture off duty on any occasion, time or place. You perhaps cannot realize how much I value my honor and reputation, as it is about the only thing that I have in the world to protect, and I must ask you to supply me with the names of those making complaints against me and the nature of their complaints, and as you also state the public generally have made complaints, I trust there should be no hesitancy on the part of the Company to supply me with the information

asked for, as you can readily see it is beyond the realm of privacy. Please reply.

"W. W. SMITH.

"*Sutton Junction, Sept. 7th, 1894.*"

This was Mr. Brady's reply:

"W. W. Smith, Esq., Sutton Junction, Que.

"DEAR SIR,—I have your letter of the 6th inst.; my letter of July 9th to you was perfectly plain. It told you that you must either quit temperance work or quit the Company. It makes no difference whether you are on duty or off duty so far as this Company is concerned. They demand the whole and entire time of their men, and they are going to have it. So far as the leave of absence you speak of is concerned, I am not aware that you had any. Mr. Carpenter came to me, he said, at your request, to get permission for you to be absent three or four days to go down into New England, and I gave such permission, since which time I have heard nothing from you, except that you are disobeying my orders and the wishes of the Company. I was in hopes you would relieve the strain by gracefully tendering your resignation. Unless you see fit to do that I shall have to take other steps.

"Yours truly, F. P. BRADY, Asst. Supt.

"*Farnham, Sept. 7th, 1894.*" Dictated.

It appears from this letter that Mr. Brady wished his agent to resume work immediately on his return with Mr. Carpenter and Kelly from "New England," and did not expect him to help in the search for other guilty parties in the assault case, or even to appear as a witness in court.

How does this compare with the statement which had been made by Mr. Tait that the Company had taken steps towards discovering the man who committed the assault?

After reading these letters from the Assistant Superintendent, it is very difficult for some of the temperance people to believe that Mr. Smith was dismissed for any reason other than that so plainly indicated in Mr. Brady's own words.

Mr. Smith's next letter to Mr. Brady was as follows:

"F. P. Brady, Esq.

"DEAR SIR,—Your letter of the 7th inst. to hand in reply to mine of that date, which does not cover the information asked for. Now, I would like to know upon what grounds you demand my resignation, viz.: because I addressed an audience in the United States or because complaints have been made against me as you say in your letters of June 11th and July 9th, as I wish to be in a position to answer to any charges made against me. I am very sorry you take the stand against me you do in regard to my temperance

principles. I understand perfectly well that I am no longer pleasant to your taste; but I expect fair treatment from the Company, and ask for nothing more. As far as my leave of absence is concerned, I have a telegram from you that I can be absent and Mr. Sinclair will take my place until I resume work again. No time is specified. Since I returned home, I have been busy looking up evidence against the parties who were instrumental in my assault on July 8th last. I intend to resume work again as soon as possible, I think about a week from Monday next, September 24th, unless advised by you that my services are no longer required.

"Yours truly, W. W. SMITH, Agent.

"*Sutton Junction, Sept. 11th, 1894.*"

As no reply came Mr. Smith wrote again:

"F. P. Brady, Esq., Asst. Supt., Farnham.

"DEAR SIR,—Will you please reply to my letter of the 11th inst. in regard to resuming work Monday next, September 24th. I am waiting anxiously to hear from you.

"Yours truly, W. W. SMITH.

"*Sutton Junction, Sept. 19th, 1894.*"

Still there was no answer, and on Monday morning Mr. Smith telegraphed as follows:

"F. P. Brady, Esq., Farnham.

"I am ready to resume work this morning. Please reply. W. W. SMITH.

"*Sutton Junction, Sept. 24th, 1894.*"

To this came the following reply:

"W. W. Smith, Sutton Junction.

"Nothing for you to do this morning. Will advise you when your services are required.

"F. P. BRADY.

"*Farnham, Sept. 24th, 1894.*"

This was followed on October 6th by an official announcement from Mr. Brady telling Mr. Smith that his services were no longer required by the Company. And in all this correspondence there is not a hint of unfaithfulness on the part of Mr. Smith to any order of his employers save the one to "quit temperance work." When the above correspondence appeared in the Montreal *Daily Witness* it was accompanied by the following remarks in the editorial department:

"We are requested by the Brome County Alliance to publish the correspondence which preceded the dismissal of the President, Mr. W. W. Smith, from his position as station agent of the Canadian Pacific Railway at Sutton Junction. We have al-

ready pointed out the extraordinary assumption of wage slavery, which is implied in this dismissal as accounted for by the official who did it. The claim made by Mr. Smith's employing officer, and practically indorsed by the Company in concurring in this dismissal, is that the Company owns its employees, soul and body, and that they can only fulfill their rights of citizenship at its pleasure. It is not to be supposed that this power asserted over the lives of its employees is going to be insisted on by the Company as against every thing they do, and that every man who takes part in a baseball match or a mock parliament will be dismissed. It is not to be supposed that the man who busies himself even in politics will be dismissed if he takes care that he does not do so on a side distasteful to the Company. The particular thing which is a capital offence with the Company, according to this correspondence, is to busy one's self with the enforcement of the laws of the land or advocate temperance in public. If temperance advocacy is going to be boycotted by the Canadian Pacific Railway in the interests of the illegal and murderous liquor business, there are ten thousand good customers of the road who will want to know the reason why. This should indeed be asked for in parliament."

CHAPTER VI.

MORE BITS OF PUBLIC OPINION.

The action of the Canadian Pacific Railway, in thus dismissing their agent at Sutton Junction, apparently for no other cause than the vigorous opposition which he offered to the work of the liquor party in his own vicinity, like the assault case previously, elicited much criticism from the public.

We purpose in this chapter reproducing some of the many opinions regarding the dismissal which appeared in the columns of the public press.

It has been said that "the greatest power under heaven is public opinion," and it may be profitable for us sometimes to study such an important power, and especially to consider the opinions of people who uphold peace, temperance and religion. The following is the view of *The Templar* of Hamilton, as quoted in the Montreal *Daily Witness:*

"The announcement that the Canadian Pacific Railway has rallied to the aid of the lawless and

murderous liquor gang in Brome County, Quebec, is sufficiently suggestive and startling to demand attention. Its dismissal of Mr. W. W. Smith, C. P. R. agent at Sutton Junction, and President of the Brome County branch of the Dominion Alliance, because of his activity in the discharge of his duties in the latter office, is one of the most foolish and anti-Canadian acts of that great corporation.

"Mr. Smith, it will be remembered, incurred the hostility of the illegal liquor venders in his locality, and, as the recent legal investigation shows, a conspiracy was formed, and a bartender hired to 'remove' him. One night, while in the performance of his duties at the Sutton Junction station, he was murderously assailed, and barely escaped with his life. Detectives were employed, the assassin was arrested, and has confessed that he was paid by local men, interested in the liquor traffic, for his work. He and two others, including a hotel keeper, are now in jail awaiting trial, bail having been refused.

"Since the committal of the prisoners, Mr. Smith was dismissed by the C. P. R. Upon September 7th, he received a letter from the Assistant Superintendent in which occurred these words: 'You must either quit temperance work or quit the Company. It makes no difference whether you are on duty or off duty, so far as this Company is concerned. They demand the whole and entire time of their men, and they are going to have it.' . . . . . .
This subject is broader than Mr. Smith or any individual. It is the question of the right of the citizen

to enjoy and exercise the rights of a citizen while employed by such a corporation as the Canadian Pacific Railway. It is the old problem of slave or freeman. The Railway is undoubtedly entitled to the best service of its employees, while on duty; but, after hours, the citizens should be free to engage in those pleasures and pursuits which do not conflict with the welfare of society and the State, Mr. Smith should be free to participate in the agitation to drive the criminal liquor traffic out of the country without being called upon to suffer the loss of income. The man who braved the liquor party, and nearly sealed his devotion to the temperance reform with his life blood, was not the man to abandon his convictions at the command of a railway manager.

"The course of the C. P. R., in dismissing Mr. Smith, has been warmly endorsed by the cowardly and murderous liquor gang in Brome, and is so open to the suspicion of being an attempt to coerce the conscience and abridge the liberties of the citizens to serve the liquor interests as to make it imperative that some member of the Commons, which has so largely subsidized that road, demand in the approaching session a public investigation. A whole army of men are in the service of the Canadian Pacific Railway Company, scattered from the Atlantic to the Pacific, and the nation cannot afford to allow the despotic authority claimed by the Company over these men. If it can demand the entire time of their men on or off duty, may it not next demand the service of the men at the ballot box? An issue has been

raised by this incident which demands the vigorous protest of the press of the country."

The opinion of the *Witness* itself may be learned from the following article in the *Daily Witness* of November 24th, 1894:

"We have received a number of letters from persons who have determined to give the preference of their railway patronage against the Canadian Pacific Railway, as a testimony against the attitude of that Company towards the temperance reform, as manifested in the dismissal of Mr. W. W. Smith from his position as station agent at Sutton Junction, for his active advocacy of temperance and enforcement of prohibitory law. Is it right for us to publish these letters, which are evidently only the beginning of what is yet to come, for the feeling throughout the country is very bitter in many quarters where this challenge to the advocates of law and order has become known? The question amounts to this: Is it right for persons who condemn the course of the Company to punish it in this way, and is it right for them to make a public question of it by publishing their action? The reason given for the dismissal of Mr. Smith, as shown by the correspondence which was recently made public in these columns, was that he was making things uncomfortable for certain customers of the Company who were importing liquor into Brome County. As Brome is a prohibition

county, those who import liquor for sale within its bounds are outlaws. In Mr. Smith's painful experience they are also assassins. As a matter of fact, according to Mr. Smith's statement, no shipments of liquor passed through his station, and he did not use his position as agent of the Company to bring the lawbreakers to justice. Why both the Company and its agents should not be ranged on the side of the law of the land, and why the Company should so protect its share in an unlawful business against any promoter of law and order, are questions not raised. Commercial corporations do not pretend to have souls or conscience. Nobody expects them to have any, and consequently no one is angry when they show that they have not. Quite apart from all questions of morals, the money interests of the Company are those of the country, and the liquor business does not promote the business of the country. Moreover, it is in the interest of the railway, and eminently so of its customers, to have railway servants protected from drink, and the enforcement of the laws against liquor is the most direct way to protect them from drink. This is all by the way, however; Companies are not abstract reasoners.

"But there is that in this action of the Canadian Pacific Railway Company which the public are inclined to resent even at the hands of a Company. In the first place the Company declares that it so values the custom of the liquor men of Brome, that it can afford for their sake to boycott the advocates of temperance and the enforcers of law. A station

agent, or even a superior officer, might be long and notoriously a victim of these same liquor men, and still remain an officer of the Company, but if he becomes their active enemy, and the active friend of mankind, he is dismissed. This is and it is evidently accepted as being a challenge to all friends of law and order, who are in a position to make the Company suffer in its sensitive pockets, to show whether the custom of the friends of law cannot be made as powerful an engine for the defence of right as that of the enemies of law and order is for the defence of crime. This is what temperance men throughout the country seem to be turning over in their minds just now, and are likely to go on doing so, so long as the position taken by Mr. Brady towards Mr. Smith remains the approved action of the Company, and so long as one holding the intolerable views of Mr. Brady remains its approved agent.

"There is another aspect of the Company's action through Mr. Brady which is rankling in the minds of the wage-earning population. Mr. Brady told Mr. Smith that the Company wanted all his time, and was going to have it, and that whether on duty or off it would not allow him to give temperance lectures. It is not sufficient to answer that this is not the position of the Company; that its employees, as a rule, are allowed to go to what church they think best, to take part in Christian Endeavor, or football, or whatever they may prefer as the occupation of their leisure. The fact remains that the Company has, through Mr. Brady, announced its right to check a

man, if it chooses, in the exercise of his ordinary rights and duties as a citizen and as a Christian, and has, by sanctioning Mr. Smith's dismissal for temperance lecturing, formally approved Mr. Brady's attitude. The Company may summon to its defence any other reasons for Mr. Smith's dismissal that it chooses. It cannot alter the fact that the reason given in Mr. Brady's letters is the one which was given to him, and which was the real cause of his act. This claim of a soulless Company to own its employees, body and soul, is one of the most daring and intolerable enunciations of what is in the language of our day termed wage slavery that we have seen, and one for which the great public will probably call it to account. The Canadian Pacific Railway is a national institution, constructed at the public expense, and a ruling influence in the land, and its attitude towards the liquor question and the rights of employees is a matter of national interest, open to free discussion in the newspapers and in the parliament, and if there are citizens who, for the purpose of making it feel in its only sensitive spot how it has outraged public sentiment and done a public wrong, are willing to sink their private advantage and convenience in the public good, by going out of their way to patronize another road, we think it is nothing but right that the railway should be plainly seized of all the facts."

The comments of another Canadian paper, the *Toronto Star*, are thus quoted in *The Templar:*

"It is a most regrettable condition of affairs when a corporation like the Canadian Pacific will dismiss an employee because he is active in the cause of prohibition, yet that is the case of a Mr. Smith, who lost his position as agent at Sutton Junction, Quebec, because the liquor dealers whom he opposed had sufficient influence to secure his dismissal.

"No charge of neglect of duty could be made against Mr. Smith, and the only justification the Company offered was the plea that the agent should give his whole time to the Company, and do nothing to antagonize the interests of the Company. There is in this no claim that Mr. Smith had ever neglected his duty, and the whole thing narrows down to the fact that he had incurred the enmity of the liquor dealers, who induced the Company to dismiss him. This action of the Company may please the men who hired a thug to assault Mr. Smith, and nearly batter his life out, but it is a poor way to make friends of peaceful citizens. It speaks poorly for personal liberty when a man is dismissed from a railway because he opposes the liquor traffic,—a traffic which the Company itself acknowledges to be wrong when it requires its employees not to touch liquor while on duty."

In *The Templar* of November 23d appeared these remarks with reference to one paper which upheld the C. P. R.:

"The dismissal of Mr. W. W. Smith from the services of the C. P. R., because he was obnoxious to illicit whiskey sellers in Brome County, has evoked strong expression of disapproval from not a few of the papers of the Dominion.

"Others have preserved a silence, or feebly and unfairly stated the case, not daring to rebuke the C. P. R. So far as we know, the Hamilton *Spectator* alone has had the courage to defend the gross injustice done a fellow-citizen, and its defence is peculiar.

"Would *The Spectator* permit us to clear the issue? *The Templar*, in giving the C. P. R.–Smith correspondence to the public, pointed out the danger to the country involved in suffering the C. P. R. contention to prevail. If that corporation can justly dismiss a man because he employs a portion of his time off duty to demand respect for the law of the land, on the ground that he is antagonizing the interests of the Company, may it not logically demand, under pain of dismissal, that he shall vote as the Company judges to be in its interests? What right has the citizen that the Canadian Pacific Railway may not require him to give up to serve its ends? Is *The Spectator* prepared to defend such tyranny, and, yes, we will say it—treason to the State?"

Not only the journals of the Canadian Interior, but those of the Maritime Provinces as well, showed their interest in this affair, which had so aroused the temperance people of Quebec and Ontario. The follow-

ing, published in *The Templar*, is taken from *The Intelligencer*, Fredericton, New Brunswick:

"We have set out the facts of the case at some length, because it involves much more than the position and prospects of the dismissed official. His case is certainly a hard one. It is not denied that for fifteen years he served the Railway Company faithfully. No charge of neglect of duty is made against him. Even the charge of the rumsellers, that he used information obtained as the Company's officer to aid in their prosecution, is not proven. He denies it, and the Assistant Superintendent admits that he has failed to find proof of it.

"But in spite of this, the Company, yielding to the clamorings of the rum gang, dismiss an officer against whom it has not been possible to make any charge of neglect, and not even to substantiate the complaints of those who were bent upon his dismissal. Mr. Smith's offense was that he was too good a citizen to suit the views of the outlaws who are engaged in the illicit rum-traffic. They sought to take his life, hiring one of their own brutal gang to commit the murder. The attempt was made, but failing to kill him, they renewed their efforts to have him dismissed. And in this they were more successful. It is scarcely possible that the outlawed rumsellers of Brome County had sufficient influence alone, to accomplish Mr. Smith's discharge. They were probably backed by the traffic in Montreal and elsewhere. And this goes to show that the traffic is

one; that distillers, brewers, wholesalers and saloon and hotel keepers are united; that licensed and illicit sellers make common cause, and that they use their awful power not only to defy all laws and regulations which hamper them, but are ready to rob of their means of livelihood, and their good name, and even to murder such men as they think stand in their way. These are things which might be expected of the traffic. But it is quite amazing that a great corporation like the C. P. R. should become its ally. Most employers would stand by an employee who had suffered at the hands of murderous ruffians, because of his sympathy with law enforcement, and the promotion of the moral welfare of his community. But the Assistant Superintendent of the C. P. R., under whom Mr. Smith worked, was not moved by such consideration, a mere sentimental consideration he wonld probably call it. He preferred to coöperate with the rum traffic — to become its tool.

"We find it difficult to believe that the General Manager or the Directors can approve the dismissal of an employee for the reason stated in this case. If they do, then men interested in temperance reform can no longer have a place in the employ of the Company. And further, the Company declares its willingness to be known not only as the ally of the legalized rum traffic, but as the friend and helper of the outlaws and would-be murderers of the traffic.

"This case should not be allowed to fade out of the memory of the people. It asserts the right

of an employer, not only to the time of the employee, but to his conscience, his sense of the duties of good citizenship, and his self-respect. If permitted, unrebuked and uncorrected, it helps to establish the right of capital to do any unjust and tyrannical thing, either of its own will or at the dictation of the conscienceless rum traffic, or of other organized evil.

"There ought, certainly, be some way of getting redress for what on the face of it appears to be an act of cruel injustice, done at the behest of the rum traffic, legal and illicit.

"Not those alone who are interested in temperance, but every man who believes that men are other than serfs, and who would have established beyond question the right of a man to have his own conscience in matters which relate to himself and the community, should be concerned to make impossible such tyrannical exercise of power."

Not only the Canadian, but some of the American papers also, took up the cry of tyranny, as is shown by the following, which was published in the *Presbyterian Observer*, Philadelphia, and repeated in the Montreal *Witness:*

"A Canadian Railway Company has been guilty of a piece of mean persecution against one of its agents on account of his temperance activity. The station master at Sutton Junction, of the Canadian

Pacific Railway, in the Province of Quebec, was recently notified that he 'must quit temperance work, or quit the Company.' The letter further states the ground upon which this action is based. 'It makes no difference whether you are on duty or off duty, so far as this Company is concerned. They demand the whole and entire time of their men, and they are going to have it.' Short, sharp, peremptory this, but is also a high-handed proceeding—an infringment upon personal rights. It does not appear that this man had been derelict in duty to his employers, or that he took the time that belonged to them in promoting the cause of temperance. His only offence was that, while conscientious in daily work, he thought of others, and labored for their welfare in his spare moments. For that he incurred official reprobation, and was given the choice of quitting temperance work or the Company.

"The railway magnates claimed entire control over all his time, whether on duty or off duty, demanding in their tautological language, 'The whole and entire time' of their men, and bluffly adding that 'they are going to have it.' They would leave no room for doubt, parley or protest. Accordingly, nothing was left a man of conscience but to retire and seek employment where he could exercise a little personal liberty. It is no new thing for men to give up railway positions on conscientious grounds, when compelled to work on the Sabbath, but this is the first instance we have known where a Railway Company has forced a person out of its employ because of his

temperance principles. In our country, other things being equal, total abstainers are preferred by railway men. This Canadian Company is away behind the age."

An affair like this must indeed be very widely discussed, and awaken considerable interest, when the general opinion in any place with regard to it is published in the local news from that vicinity, yet the following paragraph appeared among other items in the *Witness* of November 24th, as Danville news:

"Railways have a right to all the time of employees in hours of duty, but many are grieved at the action of the Canadian Pacific Railway in demanding of Mr. W. W. Smith, whom they dismissed for activity in the temperance cause, that he must not give any of his time to it when off duty, as such demand is un-British and strongly in the direction of serfdom. Many spirited people are going to resent the injustice."

Various associations discussed this dismissal in their meetings, and passed resolutions concerning it. The following is an extract from a report, which appeared in the *Witness* of November 20th, of a meeting of the Quebec Evangelical Alliance, held in the city of Quebec just previous:

"It was also voted that the following resolution be placed on record, and a copy furnished to the press for publication:

"'That this Alliance voice its sympathy through the press with the different moral and religious organizations of the Province, which have taken action condemnatory of the arbitrary procedure of the management of the Canadian Pacific Railway in the dismissal of Mr. Smith, their station agent at Sutton Junction, for no other offence than that of being deeply interested in the moral and religious welfare of the people of his own district.

"'And further, that this Alliance regrets that the Canadian Pacific Railway, as a Company subsidized by the Government of Canada, should see fit to interfere with the civil and religious rights of its employees, and ally itself with those who are evading established law, and doing their utmost to destroy social order in this country.

"'And this Alliance is of the opinion that if the Canadian Pacific Railway management seriously desires to retain the sympathy and support of the best element in the community in building up their business as public carriers, they will, at the earliest possible moment, do full justice to their late agent, Mr. Smith.'"

The following, also published in the *Witness*, is from a report of the meeting of a temperance society in one of the sister Provinces:

"PRESCOTT, Ont., Dec. 5th.—The forty-fifth session of the Grand Division of the Sons of Temperance was held here to-day. The question of the discharge of Mr. W. W. Smith, of Sutton Junction, by the Canadian Pacific Railway, for his loyalty to the temperance cause, was brought up, the following report of a special committe on the subject being unanimously adopted: WHEREAS, Mr. W. W. Smith of Sutton Junction, President of the Brome County Alliance, in the Province of Quebec, whose attempted assassination for his fidelity to law and order is a public fact, has been summarily dismissed from his position as agent of the Canadian Pacific Railway, for the express reason of his advocacy of the cause of temperance, this Grand Division desires to express the view that this action of the Railway Company is a distinct violation of the rights of citizenship, and deserves strong condemnation as being tyrannical and unjust in the extreme, and is calculated, if not redressed, to destroy public spirit and inflict deep injury to the civil rights of the people."

We will now look at some of the opinions of individuals, as expressed in letters sent by them to the temperance papers.

The following communication was sent to the *Witness* before the publication of Mr. Brady's letters. Doubtless, the writer of this article may, after reading those letters, have entertained some doubts as to the infallibility of the opinions here expressed,

but they show, at least, how impossible it seemed to some citizens that such a corporation as the Canadian Pacific Railway could oppose temperance activity on the part of its employees. The letter, addressed to the Editor of the *Witness*, is as follows:

"SIR,—In your issue of October 9th, a statement occurs which suggests the necessity of a word of caution. The following is the sentence: 'Some astonishing revelations may be expected, as the temperance people are intensely indignant that the Company should have yielded to the demands of the liquor party, and removed from its service one who has been for years a trusted servant and faithful officer.' From a personal acquaintance with several gentlemen who control the appointment of officials of this and similar grades of office in connection with the Canadian Pacific Railway, I wait an explanation of this act of executive power which will present it in an altogether different light from that in which it now appears. I cannot believe that officers of any Company, transacting business with, and dependent upon, the public, as the Canadian Pacific Railway is, would descend to an act as described in the case in hand. What the explanation will be, I will not conjecture, but I can easily conceive it is susceptible of an explanation which will remove all cause of censure from the Company. In more than one instance, I have known the officials of this Company to firmly support an employee in the mainte-

nance of moral principle, even at a financial loss to the Company. But, apart from all loyalty to right principle, on the part of the officiary of the Company, it is to me simply inconceivable that shrewd business men as these officials are known to be would be guilty of an act which from a purely business point of view would be a stupidly suicidal one. It taxes one's credulity to too great a degree to ask one to believe that, in view of the recent plebiscite taken in several Provinces, that any officer, possessed of mental qualifications sufficient to secure a position of power in the Company, would ally himself with a coterie of lawbreakers in a secluded village, and perpetrate an act which would be resented by thousands of business men and tens of thousands of the travelling public in our Dominion, and attach a stain to the name of the Company which would challenge contempt for years future. The facilities afforded by other competing lines at so many points in our Dominion for such as would resent an act of this character are too great to permit a Company that is hungering for freight and passenger traffic to yield to such inconsiderable and immoral influences as the liquor men of Sutton Junction and their sympathizers could command. The Company knows well how slight a matter often creates a prejudice for or against a railway which affects its dividends for years, and they know well also that when an act of this kind is actually done and unearthed, that it appeals to principles held as sacred by the public of our Dominion. They also know that, however the

temperance ballot holders may be divided in their political allegiances, in a matter of this kind, when no political ties bind them, they would be practically a unit in resenting an act not only tyrannical, but under the circumstances cowardly and immoral. One cannot believe that this shrewd Company of high-minded and acute business gentlemen would be guilty of the folly attributed to them. Their effort is in every way honorable to attract their own line, and it is past belief that they should play into the hands of the Grand Trunk and other competing lines in any such manner as the accusation, if proved, would mean. Give them time and opportunity for an explanation before any expression of indignation manifests itself, and especially before any hasty and inconsiderate act of discrimination against the Company is made." SPECTATOR.

The publication of the correspondence between Messrs. Brady and Smith brought a flood of letters from the public to the Editor's offices. It would be scarcely possible in this place to give all the letters which appeared in the various papers, but we qnote a few. The following is from the *Witness* of November 23d:

"SIR,—I read with much pleasure the letter from 'A Total Abstainer' in your issue of November 4th, and his purpose not to travel by the C. P. R. in future, when he has the privilege of another route.

I would like to assure him that he does not stand alone, that there are many others who feel just as strongly. It was only to-day that I learned of two persons who, at some inconvenience to themselves, took passage by the Grand Trunk Railway in preference to the Canadian Pacific Railway, on account of the way in which the Company has played so miserably into the hands of the liquor dealers; and I know of other travellers who are resolved to use the C. P. R. only when it cannot be avoided. I am informed that some of the temperance organizations to which he refers are not going to let the matter rest where it now is, but will manifest their indignation in their own way and time.

"It is almost beyond belief that a Company like this should treat a servant with such inhumanity.

"After being almost murdered when on duty by an employed agent of the liquor party, and when about recovered from his wounds, he is dismissed from the service for taking part in temperance work in his own time. These are the facts as stated in the published correspondence, and they need only to be stated to call forth the indignation and condemnation of all honorable men.

"ANOTHER TOTAL ABSTAINER."

Another letter, published in the *Witness* of December 29th, and signed "Disinterested," is given below. The allusion to the queries of the Alliance and the

replies of the Assistant General Manager will be more fully explained in the next chapter.

"To the Editor of the *Witness:*

"SIR,—I am usually of moderate temperament and seldom take extreme views or measures on any subject, but if I understand rightly the present state of the controversy between the Dominion Alliance and the Canadian Pacific Railway, unless the latter has a secret compact with the brewers, distillers and liquor venders of this county, to warrant their taking the present stand, they are adopting the most extraordinary course of any corporation seeking public patronage I have ever known. The following is, as I understand it, the present position of the affair:

"1. There are lawbreakers in the county of Brome.

"2. An employee of the C. P. R. aids in detecting them, and bringing them to justice.

"3. The lawbreakers hire a man to murder him, who fails to quite accomplish his task.

"4. The employee, in his hours off duty, denounces the practices of the lawbreakers, and the traffic that creates such lawbreakers and murderers.

"5. A district superintendent of the C. P. R. informs him that for so doing he is dismissed.

"6. The Dominion Alliance asks why this should be so? Is it not interfering with the liberty of the British subject? Is not slavery revived in another form for an employer to say to an employee, 'You must not express an opinion on any subject of social

reform or otherwise on pain of being dismissed from my employ.'

"7. The Assistant General Manager comes out in a two-column letter explaining the attitude and act of the C. P. R. The purport of that letter is that the man who antagonizes a considerable portion of the community is therefore . . . less useful than he otherwise would be in any position (such, for instance, as a station agent) in the employ of a railway company, whose main object must be to increase the business, from every possible source, and who must be careful not to antagonize any portion of the community upon whose patronage, as a part of the general public, the success of the Company depends. In all this letter there is no distinction between the law-abiding and lawbreaking sections of the community. The logical inference of the whole letter is, the agent at Sutton antagonized the lawbreakers of Brome, and those who abetted their doings, and, therefore, the superintendent of the road was justified in dismissing him. But by that act the superintendent 'antagonizes' a very large section of the community, stretching from Halifax to Vancouver, but he is sustained by the Company in his act. 'Consistency, thou art a jewel!' As a Canadian I have felt just pride in the C. P. R., I have advocated its claims against all other transcontinental routes, especially have I compared it with the Grand Trunk Railway, and advised my friends to patronize the former. Now, however, as a free and law-abiding citizen I must, on principle, change my method unless Mr. Tait, or some one else, can ex-

plain the act of the Company. If both employees interested in the Sutton matter had been dimissed, I could see that there was an honest effort on the part of the Company to do justly, but as it is I can only see underneath all this the intention of the Company to favor the lawbreakers of Brome and liquor interests generally at the expense of the temperance and Christian community. If my views are wrong, and anyone will do me the kindness to correct them, I shall owe him a debt of gratitude; for I am exceedingly loath to believe such things of the management of our noble Canadian Pacific Railway. Until then, however, I must say that I shall not travel on one mile of the C. P. R. when I can take another line. I am constantly on the road between Quebec and Toronto, with headquarters in Montreal. I take this stand not by choice nor caprice, but on the principles of a free citizen."

The following is an extract from a letter discussing the same subject, published in *The Templar* of Jan. 4th, 1895, and signed J. W. Shaw:

"Without giving names, let me state what I have learned directly affecting the moneyed interests of the C. P. R. Thinking of visiting a certain station on one of their lines I asked a friend who had just returned from it: 'What is the fare to that place?' He replied, 'I don't know; I never buy a ticket; I can't say.' When remonstrated with, he just said: 'I pay whatever is handy, sometimes more and some-

times less!' Another individual, in the habit of travelling in the same way, and boasting of his smartness, casually remarked: 'My trip this time was a failure, for Conductor ——— was on the train, and you know I could not work him.' It did me good to hear that, for the conductor in question is a well-known gospel and temperance worker, who labors as he has opportunity for the uplifting of fallen humanity. On this low plane then it would pay these companies to employ such conductors, and give them all the scope required outside their own business. Such employees save more to them than they will ever lose through the fidelity to principle of any Mr. Smith. Sterling honesty of principle that such men manifest, instead of proving an objection, should merit the recognition if not the approval of the wisest directorate, and should denote their qualification rather than the reverse."

Part of another letter, which was signed W. J. Clark, and appeared in the same issue of *The Templar*, is as follows:

"Now, suppose the 'section' which Mr. Smith had antagonized had been the temperance people instead of the liquor element, what would gentlemen Brady and Tait have said then if the matter had been brought to their notice? Would they have dismissed Mr. Smith? I trow not. They would in all likelihood have attributed the complaint to what they would mentally designate as a handful of cranks, and paid no attention to it. But when the liquor element

complains, what then? Their complaint is attended to at once. Why? Because they are the most law-abiding and influential section of the community? No, but because they are just at the present time the most powerful section of the community. Do not misunderstand me. I do not mean that the temperance people of our land have not the balance of power in their own hands. They certainly have, but they do not make use of it, while the liquor element use what power they have for all it is worth. The C. P. R., and all other such like corporations know full well this state of affairs, and as Mr. Tait says: 'Their objects do not extend beyond the promotion of their business,' and consequently they are ready at all times to cater to the commands of those who are making their power felt in the land, and to ignore almost entirely the wishes of those who have the power, but fear to use it. Mr. Editor, what are the temperance people doing? Are we sleeping on guard? It seems to me that we are. How many of us, after reading the two last issues of *The Templar*, will not deliberately step on board of a C. P. R. train, and pay our money to that corporation when in many cases we could just as conveniently transfer our patronage to some other road. What is our plain duty in the case? Is it not to show the Canadian Pacific Railway that we are a power in the land, and that we intend to plainly show that corporation that the rights of good citizenship are not to be trampled upon with impunity? The action of the C. P. R. in the Smith case should call vividly to our minds the

action of the Grand Trunk a few years ago, when they discharged their agent at Richmond, Que., because he openly opposed the temperance people."

In concluding this chapter, we will give the opinion of an eminent clergyman, Rev. J. B. Silcox, as expressed by him from the pulpit of Emanuel Church, Montreal. Nor is this by any means the only voice which sounded from Canadian pulpits on the same subject. The *Witness* of December 31st, 1894, has the following:

"Referring to the C. P. R., Mr. Silcox denounced it vigorously for its action in dismissing an employee because he saw fit to fight the drink traffic. There was nothing in the world so heartless as a great corporation. The C. P. R. had shown itself more heartless than a despotic king. It had come to a sorry pass when an employee was robbed of the right of exercising his own free will. By its action the Company had thrown all its weight on the side of the liquor party to which it catered. He had lived in the Northwest several years, and had seen other instances of how this great Company had ground others under its iron heel. 'In discharging the man I refer to, the Canadian Pacific Railway has shown that it lays claim to both the body and soul of its employees. In the history of this country did you ever hear of anything more shameful? It makes one's blood boil. And the men who commit these acts can boast of knighthood. Alas!'"

CHAPTER VII.

THE DOMINION ALLIANCE PROTEST.

We have been considering some of the opinions of the temperance and law-abiding public regarding the dismissal of Mr. W. W. Smith. However, the temperance people were not all content with simply discussing the matter, and blaming the C. P. R. for the action they had taken, nor even with transferring their patronage to another road. The Alliance took steps to obtain an explanation of Mr. Brady's conduct and the policy which he had attributed to the C. P. R., and if possible to gain some reparation for an act which seemed to them unreasonable and unjust. It was stated in a former chapter that the secretary of the Quebec Provincial Branch had been instructed to enquire into the rumored attempt of the liquor men to secure Mr. Smith's dismissal, and report the facts in the case at the next meeting of the Alliance. His conclusions after this enquiry are embodied in the following letter, dated October 9th, and addressed to

"Thomas Tait, Esq., Assistant General Manager, Canadian Pacific Railway":

"DEAR SIR,—I herewith return the correspondence concerning Mr. Smith which you allowed me to have, and which our committee very carefully considered. The action taken by your Company in dismissing Mr. Smith from his position as your agent at Sutton Junction, notice of which he received on Saturday last, October 6th, renders futile any further conference between the Company and this Alliance on behalf of Mr. Smith. I am, however, instructed to say that after a very careful consideration of all the correspondence referred to us, after a thorough investigation of the whole matter, we have come to the conclusion that the paramount reason for Mr. Smith's dismissal is his activity as a temperance man. Your Assistant Superintendent in his letter to Mr. Smith, dated September 7th, makes this as clear as possible. He says: 'You must either quit temperance work or quit the Company. It makes no difference whether you are on duty or off duty, so far as this Company is concerned. They demand the whole and entire time of their men, and they are going to have it.' These are as plain words as the English language can produce, and their meaning cannot be misunderstood. The complaints made subsequent to my interview with you on the 19th of September have, in our opinion, the appearance of an effort to find a reason to explain the one given by your Asistant Superintendent; a reason which

we think your Company will find exceedingly difficult to sustain at the bar of public opinion to which it must now go. As regards these recent complaints, Mr. Smith has never seen them. He has never been given an opportunity to deny them, or offer any explanation. If these or other charges of a similar character are the essential ones, then he has been condemned without a hearing, either before your superintendent or any other officer of the Company. Mr. Smith informs us that he is quite prepared to defend himself against any charge of neglect of duty or unfaithful service to the Company. His record of fifteen years' service is an indication that as a railroad man he has done his duty. As regards the principal charge, the charge upon which his resignation was asked for by your Assistant Superintendent in the letter referred to above in the following words: 'I was in hopes you would relieve the strain by gracefully tendering your resignation,' the specific complaint made being that he had on the evening of September 3d, delivered a temperance lecture. To this charge he pleads guilty, and now suffers the consequences, viz., dismissal and pecuniary loss.

"This Alliance, as representing the temperance people of this Province, protests in the most emphatic manner against this act of obvious injustice to one of our number; an act which we have every reason to believe to be the result of a concerted plan to use your Company to injure and if possible render nugatory the temperance work of the people of Brome County, who, for very many years, have

been endeavoring to uphold and enforce the law of the land, which declares that no intoxicating liquor shall be sold within the bounds of that county.

"In this effort, they did not expect to have the powerful influence of your Company turned against them, and, therefore, feel keenly and with intense regret this action in regard to Mr. Smith, the President of the Brome County Alliance! You will readily understand that we cannot allow this matter to drop, and, therefore, have taken steps to bring the whole matter before another tribunal.

"I am, dear sir, respectfully yours,

"J. H. Carson, Sec'y."

On October 16th, a meeting of the executive of the Quebec Provincial Alliance was held in Montreal, for the purpose of considering affairs relating to this dismissal. Mr. Carson reported the correspondence which he had had with Mr. Tait, and the Executive, having unanimously approved Mr. Carson's letters, adopted the following resolution:

"WHEREAS, Mr. W. W. Smith, the President of the Brome County Alliance, has been dismissed from his position as agent of the Canadian Pacific Railway, and whereas we have reason to believe that his dismissal has been brought about because of his temperance activity, and not because of dereliction of duty: *Resolved*, That this Alliance will stand by Brome County Alliance in any action it may take

under the advice of our solicitors to vindicate the reputation of Mr. Smith."

At this meeting also, a committee was appointed to whom the correspondence in the hands of the secretary should be referred for whatever action they might deem best.

On October 26th, a meeting of the Brome County Alliance was held at which the dismissal was also considered. Some members of the Provincial Alliance from Montreal were present at this meeting.

On December 22d, the following appeared among the *Witness* editorials:

"The dismissal of Mr. W. W. Smith, the Canadian Pacific station agent at Sutton Junction, for law and order work in a prohibition county, and specifically for delivering a temperance lecture, is still a live subject. The Dominion Alliance, as whose officer Mr. Smith committed the offences for which he suffers, naturally protested to the Company, and appealed to the public against this assault on the liberties of their workers. The Company, we understand, thinks it only fair that its reply to the Alliance's protest should be published as widely as that protest was, and this we think entirely reasonable, whatever may be said of the merits of that reply, which does not seem to us to make the matter any better. After being duly presented to a meeting of

the Alliance committee, and then referred to Mr. Smith, against whom it raises new charges, it is now with the consent of all parties published, and it will be forwarded to all the temperance organizations for their information. It occupies a good deal of room, but will be read with extreme interest as showing just how a money corporation looks on the liberties of its servants."

The reply referred to in this article as being that made by the C. P. R. to the letter of Mr. Carson, which we quoted above, is as follows:

"J. H. Carson, Esq.,

"Secretary Dominion Alliance, Montreal.

"DEAR SIR,—Your letter of November 9th reached me in due course. I have been somewhat disinclined for several reasons to take part in any further correspondence on the subject, but upon further reflection I have decided to point out to you in writing, as I have already, on two or three occasions, done verbally, that the termination of Mr. Smith's engagement with this Company did not take place by the reasons assigned by you in that letter. You say, 'We have come to the conclusion that the paramount reason for Mr. Smith's dismissal is his activity as a temperance man.' Whether intentionally or unintentionally, this language is framed so as to convey the meaning that the Company objected to the principles (namely, temperance principles) which were advocated by Mr. Smith. Nothing could be further

from the truth. If Mr. Smith had been as much occupied in abusing temperance principles as he was in advocating them, the objection would have been not only as great, but greater. It must be manifest to every business man in the community that every railway company, and, indeed, every other business organization employing large numbers of workmen, is most emphatically in favor of temperance; so much so that in the case of our Company I feel convinced that its influence in favor of temperance and the prevention of the improper use of intoxicating liquors is ten thousand times more than that of Mr. Smith or any other individual, in fact, it is probably one of the most powerful factors in that direction in Canada.

"Our Company has for many years past done what is not often done by property owners. We have declined to sell our lands at different stations along our line, except under conditions which prevents the sale of intoxicating liquors on the premises, and which have the effect of depriving the buyer of his title to the property in case that stipulation is broken. In addition, we have had for many years past, amongst the rules and regulations governing all our employees, the following rule:

"'*Use of Liquor.*—The continued or excessive periodical use of malt or alcoholic liquors should be abstained from by every one engaged in operating the road, not only on account of the great risks to life and property incurred by entrusting them to the oversight of those whose intellects may be dulled at

times when most care is needed, but also, and especially, because habitual drinking has a very bad effect upon the constitution, which is a serious matter to men so liable to injury as railway employees always are. It so lessens the recuperative powers of the body that simple wounds are followed by the most serious and dangerous complications. Fractures unite slowly, if at all, and wounds of a grave nature, such as those requiring the loss of a limb, are almost sure to end fatally. No employee can afford to take such risks, and the Railway Company cannot assume such responsibilities.' This rule has, in fact, been revised within the last few months, and couched in more prohibitory language, and will shortly be issued to the employees in that form. Along our line there are thousands of its officials who are every day insisting on the practice of temperance. They deal with the engagement of subordinates and the conduct and efficiency of persons in our employment in such a way as to show that temperance is indispensable to the efficiency of our employees, to the conduct of the Company's business, and to the success and promotion of the workmen themselves, but this is done in respect of matters which are entirely within their jurisdiction as officers of the Company.

"There are, unfortunately, many questions upon which the public hold different opinions so strongly that they are virtually divided into opposing classes, and it is impossible for any one prominently and publicly to advocate either side of any of these questions, without immediately raising a strong feeling of

opposition in a considerable portion of the community, who take the opposite side. These questions are of different kinds, religious, political, social, racial, etc.; and it must be apparent that no matter how well founded any person's views may be on any of these questions, if he devotes himself energetically to the promulgation and advocacy of his views at public meetings, lectures, etc., he will without fail antagonize a considerable section of the community. It is, therefore, apparent to every business man that any person who adopts this course at once renders himself less useful than he would otherwise be in any position (such, for instance, as a station agent) in the employment of a Railway Company, whose main object must be to increase its business from every possible source, and who must be careful not to antagonize any portion of the community upon whose patronage, as part of the general public, the success of the Company depends. Illogically, and perhaps unfortunately, there are many persons in every community who hold the employer answerable for the public advocacy of the views of the persons in his employment, even when disconnected with the business of the employer. This ought not to be the case, but as undeniably it is the case, it follows that the usefulness of an employee is with certainty diminished, and perhaps destroyed, when he gives much of his attention and some of his time to advocating his personal views at public meetings, lectures, etc., upon either side of any question upon which the public is divided in the way I have before mentioned,

and this, although he do so only during the hours of the day when he is not supposed to be in the active service of his employer. As far as I am able to judge, no official of our Company, of whose duties one is to solicit and secure traffic for the Company, could take sides on any of these questions at public meetings and lectures without impairing his usefulness to the Company. Taken by themselves, and without regard to the circumstances, some of the expressions in Mr. Brady's letters to Mr. Smith are capable of misinterpretation, and, as I have stated to you on several occasions, do not meet with the Company's approval, as they do not express correctly its policy on the subject. There is no doubt, however, in our mind, as I have already assured you, that throughout this unfortunate affair Mr. Brady was only intent on protecting the Company's interests by preventing unnecessary hostility, and at the outset on saving Mr. Smith himself from trouble.

"I have already shown you correspondence from different persons containing statements concerning Mr. Smith, which, if true, indicate the impossibility of any person being able to give thorough and efficient service to any railway company, whilst he publicly advocates views on either side of any question such as I have referred to, upon which the public is divided. But the matters referred to in that correspondence are insignificant compared with the taking in public an active part on either side of such moot questions as I have referred to. The conclusion that Mr. Smith's usefulness was gone, does not depend on

the truth or untruth of them; it was therefore not necessary or proper to discuss them further with Mr. Smith upon the theory that they were material to the question whether he should continue or not in the Company's service. As, however, in your letter you refer to the complaints covered by that correspondence as having the 'appearance of an effort to find a reason to explain the one given for Mr. Smith's dismissal,' and as you have returned this correspondence to me, it may not be out of place for me to refresh your memory as to some of the points covered by it. Mr. Stewart, the Superintendent of the Dominion Express Company, wrote Mr. Brady, from Montreal, on September 29th as follows:

"'Route Agent Bowen informs me that when visiting Sutton Junction this week, he found F. G. Sinclair in charge of the station, and doing the work in Mr. Smith's name. Mr. Smith had gone away without giving us notice. He did not give the new agent the combination of the safe, and carried away our revolver for his protection, instead of leaving it at the station to protect our property. Mr. Bowen succeeded in finding Smith, and getting the revolver, and also had the combination of the safe changed and given to the new agent. I may say that Mr. Smith had given the relieving agent the combination of the outside door of the safe only, which left us without any better protection than an ordinary fireproof safe, and we sometimes have very large amounts of money to carry over night. This is just about in keeping with all Mr. Smith's work. Unless we can

be assured of better protection at Sutton Junction, we will have to make different arrangements in regard to handling our money for the Northern division, by transferring the fire and burglar proof safe at Sutton Junction to Fosters, and make the money transfer at that point instead of at Sutton Junction.

"'Of course, it will be absolutely necessary to transfer some money at the Junction at all times, but bank packages, etc., will have to be sent by the other route for our protection.

"'Route Agent Bowen reports the present agent is attending carefully to our business. If the old agent will be re-appointed I would be glad of a few days' notice so we can make different arrangements in the interest of this Company.'

"You will remember from the correspondence that Mr. O. C. Selby wrote to Mr. Brady that he had the combination of the outside door of the safe, and that the combination of the inside door, which should also have been used, was not used from the time Mr. Selby started work (October, 1893) until June last; that Mr. Smith was often absent from the office during the day, frequently remaining there only half an hour.

"You will remember also that Mr. J. O'Regan, the operator at Sutton Junction, stated in writing that he had at the request of Mr. Smith, who desired to absent himself from duty, worked in the latter's place on the afternoon and evening previous to the assault, and that on several occasions he had been left in charge of the station during Mr. Smith's absence.

In this connection you will remember that I informed you that on the occasion first referred to, and that on some, if not all, of the previous occasions, Mr. Smith had absented himself from duty without permission. I believe that it was admitted by Mr. Smith himself, at the trial, that when he was assaulted he was asleep, although at that time he should have been on duty as operator.

"You will also recollect that Mr. Smith, having applied through Detective Carpenter to Mr. Brady for leave of absence to go to New Marlboro, Mass., for the purpose of identifying one of his assailants, and having obtained such leave of absence, and a pass to Newport and return, remained absent from duty for ten days after his return from New Marlboro, without communicating with Mr. Brady, and that it was while he was so absent without leave that he delivered a temperance lecture at Richford.

"It is not customary with this Company to discuss with persons not directly interested the reasons for discharging, punishing, rewarding or otherwise dealing with its men, but you will recollect that in this case an exception was made, and that I offered you every facility, including free transportation over our line, if you would, by visiting localities in which Messrs. Smith and Brady were known, satisfy yourself as to the propriety of Mr. Smith's discharge, and it will also be within your memory that I offered to arrange a meeting between yourself and Mr. Brady, or, if it was desired, to meet your committee myself to discuss the matter. None of these offers was taken

advantage of, and, so far as I know, none of the suggestions made were followed.

"It is not, however, as I have said, necessary to go into these details in order to support the conclusion that Mr. Smith's usefulness as agent for the Canadian Pacific Railway Company is over. The Company is carrying on the business of a railway company, and its objects do not extend beyond the promotion of that business. Its success depends upon the favor and patronage of the community at large, and if one of its officers or employees so conducts himself as to antagonize a section of the community, or even in a manner which is likely to bring about that result, the Company's interests are injuriously affected, and the Company will naturally do, what every business man would do, namely, protect its interests by his removal.

"Yours truly, THOS. TAIT,
"Assistant General Manager.

"*Montreal, Dec. 6th, 1894.*"

It will be noticed that in this letter Mr. Tait, referring to the acts of officials, "who are every day insisting on the practice of temperance," says: "But this is done in respect of matters which are entirely within their jurisdiction as officers of the Company." The implication plainly is that, while officers of the Canadian Pacific Railway have a right to insist upon sobriety among the employees of the Company, they have not a right to engage in any other form of tem-

perance work. That all Mr. Smith's work for the cause was within his jurisdiction as an officer of the Alliance, and a free citizen is not taken into consideration, and it appears that no employee of the Canadian Pacific Railway is supposed to have a right to accept any offices or perform any duties outside the Company's services.

Mr. Tait does not condemn the position taken by his Assistant Superintendent, on the contrary he very plainly takes the same position himself, and simply disapproves of some of Mr. Brady's expressions. This reminds us of what is told of some parents who are said to punish their children, not for evil doing but for getting found out. If Mr. Brady had concealed the motive for his act so as to prevent any complaints from the public, the Company, according to Mr. Tait's letter, would have had no objection to the dismissal of an employee simply for temperance activity.

To the above letter Mr. Carson made the following reply, which was published in the same issue of the *Witness:*

"December 21st, 1894.

"T. Tait, Esq., Asst. General Manager, C. P. R.:

"DEAR SIR,—Your letter of December 6th has had the attention of the Alliance Committee, which

takes great pleasure in hearing of the stand taken by your Company in various ways in behalf of temperance, the wisdom of which will commend itself to all. When, however, you say Mr. Smith was not dismissed for the reason assigned in my letter to you, namely, his activity as a temperance man, you deny what seems to be admitted in the whole of the rest of your letter. This was, as the correspondence shows, the only reason conveyed to Mr. Smith as the cause of his dismissal. My letter did not allege, nor was it intended to convey the impression, that the Company's action was due to its objection to the principles held by Mr. Smith, but that it was due to his activity in advocating those principles.

"You have at considerable length set forth that what the Company objects to is, that an employee of the Company should actively take sides on a question on which the community is divided, even 'although he do so only during the hours of the day when he is not supposed to be in the active service of his employer,' and you add that 'no official of our Company, one of whose duties is to solicit and secure traffic for the Company, could take sides on any of these questions at public meetings and lectures without impairing his usefulness to the Company.' This is precisely the position taken by Mr. Brady in his correspondence with Mr. Smith, and it is against this position, to which the Company through you pleads guilty, that we, in the name of the temperance people of Canada, protest, implying as it does a condition of servitude to the liquor interest on the part of

a national institution dependent upon the public patronage for support, which insults all that is best in our public opinion, and insisting as it does on a condition of ignoble slavery on the part of the employees of the Company. You refer to the matter in which Mr. Smith was regarded as over-active as a moot question.

"Whether men should be required to observe the law of the land, or be punished for violating it, is, we submit, not a moot question. On the contrary, we hold it the duty of every loyal citizen to uphold law, and render such assistance as lies in his power to secure its enforcement.

"With regard to the later charges against Mr. Smith, parenthetically enumerated in your letter, you say they are insignificant, and that, therefore, 'it was not necessary or proper to discuss them further with Mr. Smith.' If so, we may also be excused from discussing them. We have given Mr. Smith communication of your letter, that he may reply to these if he sees best.

"Referring to your kind offer of free transportation over your line, to visit the localities in which Messrs. Smith and Brady were known, and satisfy myself as to the propriety of Mr. Smith's discharge, I might say that I did visit those localities without accepting the offer of free transportation, which accounts for your not knowing of my visit to Brome County. As the result of that visit I was still better informed as to the operation of the occult influence which had brought about Mr. Smith's dismissal.

"Your offer to meet our committee and discuss the question was rendered nugatory by the dismissal of Mr. Smith.

"In the management of your Company it is not our part to interfere, but when an employee of your Company is dismissed, as alleged by the Assistant Superintendent, and now confirmed by yourself, for publicly advocating those principles which this Alliance is organized to promote, and for promoting the observance of the laws of his country, it is right for us to express to you the protest of a very large portion of the people of Canada, and their indignation at seeing one of their number thus suffer for conscience sake. It is, of course, for the Company to judge how best to promote its own business, but when so large a portion of the public as those who support temperance laws and seeks their enforcement is openly snubbed in the interests, and it would seem at the instance, of illicit and murderous dealers in a contraband article, from the transport of which your Company seeks profit, we may fairly ask the question whether the Company is acting even the part of worldly wisdom. Your declaration that if one of the Company's officers or employees so conducts himself as to antagonize a section of the community, or even in a manner which is likely to bring about that result, the Company's interests are injuriously affected, and the Company will naturally do what every business man would do, namely, 'protect its interests by his removal,' is definite and distinct, and seems to apply to the definite attitude assumed towards the advo-

cates of temperance by your Assistant Superintendent. His conduct is certain to be remembered with resentment all over Canada, so long as his continuance in office and the endorsement of his act are the index of the policy of your Company.

"I remain, dear sir,

"Very respectfully yours,

"J. H. CARSON, Secretary."

As stated by Mr. Carson, Mr. Tait's letter was forwarded to Mr. Smith, that he might reply to its accusations if he saw fit. Accordingly, he wrote to the Editor of the *Witness* as follows:

"SIR,—I desire, in replying to the complaints made against me in Mr. Tait's letter, addressed to the Secretary of the Dominion Alliance, to say that, so far as these complaints are concerned, this is the first time I have seen them, and I have never been asked by the Canadian Pacific Railway to offer any explanation, nor have I been given an opportunity to deny the correctness of the charges made against me.

"With regard to the letter of Mr. Stewart, of the Dominion Express Company, I have this to say: This complaint, in the first place, was only made three weeks after Mr. Brady had requested me to tender my resignation, for the specific reason given in his letter, so that it could not have had any connection with the real cause of my dismissal.

"When I was assaulted on July 8th, I wired Mr.

Stewart that I was unable to work, and asked him if I should give the combination of the inside door of the safe to the man in charge. I received no reply. Mr. Stewart knew perfectly well that I was sick in bed, and that it was his duty to send a man to change the combination, which he did not do, after being wired of my disability. Now Mr. Stewart, after paying not the slightest attention to the notice of my illness, censures me for not notifying him when I went to the United States to identify the man who assaulted me. Regarding my carrying off the revolver, this is true; but, as the Company demanded the whole of my time off duty, as well as on, and as I was expected to resume work any day, I do not see why I should not be regarded as their property, and as much entitled to protection as any other until I was dismissed.

"Mr. Selby's statements are also misleading. It was months after he entered my office before I allowed him to have the combination of the safe (outside door), and this was with the knowledge and consent of Route Agent Bowen, or he would never have had even the combination of the outer door. Mr. Bowen checked up my office with Mr. Selby two or three times, and was satisfied. Mr. Selby's statement that the inner door of the safe was not used from October, 1893, to June, 1894, is not true, and cannot be substantiated, as he was away from my office for weeks during that time.

"As to my changing work with Mr. O'Regan, I did, and such things are quite customary with agents

and operators, as well as Assistant Superintendents; and this custom prevails at the present time all along the line. I may add that there was a distinct understanding between Mr. Brady and myself that I could drive out or walk out whenever I saw fit, without communicating with him.

"Some explanation ought to be made concerning the manner in which these complaints from Mr. Selby and Mr. O'Regan were secured by Mr. Brady, when it was found necessary to produce before Mr. Tait other evidence against me. I have seen both Mr. Selby and Mr. O'Regan in company with a witness I took with me, and questioned them as to how they came to make such charges. I found that Mr. Brady had taken the fast express from Farnham, which does not stop at Sutton Junction; it, however, slowed up enough to allow him to jump off. He walked to the station and remained nearly three hours endeavoring to obtain incriminating evidence against me. Mr. Selby informed me he did not think his letters would come to light, as Mr. Brady told him it would be personal, and he thought as I was dismissed from the Company's service, the statements would not hurt me, and it might help him to a situation at some future time. He said the statements were first drawn from him by adroit questioning, and he was then asked to put them in writing.

"When Mr. Brady arrived at Sutton Junction, the night operator, O'Regan, was asleep, but he did not hesitate to call him up, and deprive him of two or three hours' rest, notwithstanding the fact that on the

first of July, when he refused to allow the night operator, Ireland, to work for me so as to permit of my going to Montreal to attend the National Prohibition Convention, the reason he gave was that night operators required their days to rest to insure efficient service during the night. But in this case he breaks up the rest of a night operator in order to secure this statement from O'Regan.

"Mr. Tait says I was asleep when assaulted. This I do not deny, but he knows his operators all sleep more or less during the night, when they understand the position of their trains. Every railway man knows this. But why are these matters brought before the public now? Why was I not allowed a hearing by the officers of the Company? If a collision occurs on the line, or other serious things occur, the parties concerned are given a chance to clear themselves. If men get drunk and damage the Company's property, they are given a hearing, and in many cases they resume work. But all this was denied me. There must have been a reason for this; it must be because Mr. Tait really understood the whole matter thoroughly, as he says in his letter, 'This correspondence' (referring to these later charges) 'is insignificant,' and especially as he has said to a *Witness* reporter, and published in the *Witness* of July 11th: 'I have no proof that Mr. Smith has violated the confidence of the Company.' No, my serious offence was, as Mr. Tait states, 'the taking in public an active part on either side of such moot questions as I have referred to.'

"Mr. Tait also stated that this rule applies to questions of politics. Now, if the same rule applied to temperance as applies to politics, I would still be in my position as agent of the Canadian Pacific Railway at Sutton Junction, for during the last general elections the Company would have allowed me to move heaven and earth, if possible, to elect their candidate, which we did through their wire pulling. I don't wonder people say the Canadian Pacific Railway runs the government, but they cannot run the Brome County Alliance or any of the other temperance organizations. I would like to ask Mr. Brady in connection with these charges, why he should add insult to injury by asserting that the temperance people could all 'go to h—l,' and he 'does not care a G— d—' for them all, and why was I approached in an obscure way, and inducements made to me to resign my position as President of the Brome County Alliance, and give up lecturing on temperance, and retain my position as agent of the Canadian Pacific Railway? These are some facts that more clearly reveal the real cause for my dismissal, and the source from which opposition to me really came, namely, the liquor traffic, exerted through its emissaries.

"It should be borne in mind that every scrap of evidence against me, such as it is, has been trumped up, since my dismissal. Who before ever heard of a man being sentenced and executed and then the evidence of his guilt hunted up?

"W. W. SMITH.

"*Sutton, December 24th, 1894.*"

The feelings which then animated the temperance public of Canada concerning the conduct of the Canadian Pacific Railway may be seen from the following article in the *Witness* of December 28th:

"The meeting of representatives of the various provincial and Dominion temperance bodies, held yesterday afternoon in the Temple Building, was for the purpose of receiving reports from the executives of these grand bodies concerning the action of the Canadian Pacific Railway Company, in dismissing Mr. Smith for his activity in temperance work.

"The Secretary presented a very large number of resolutions adopted by these various executives, expressing their condemnation of the Company, and endorsing heartily the action of the Alliance, in seeking to have the injustice removed. The resolutions were from British Columbia, Northwest Territories, Manitoba, Ontario, Quebec, as well as from Maritime Provinces—from far off Victoria, B. C., to Halifax, N. S.

"The communications indicate that the whole temperance community is thoroughly aroused, and intensely interested in this matter. The meeting adopted a strong resolution, which was referred to a committee of five, who were empowered to take such further action as they deem best to carry out the spirit of the resolutions presented to the meeting yesterday.

"The Secretary was instructed to inform Mr. Tait, Assistant General Manager of the Canadian Pacific Railway, that this committee would confer with him in regard to this matter, if we should so desire. The committee will await Mr. Tait's reply before publishing the resolutions received or those adopted at yesterday's meeting."

CHAPTER VIII.

RESULTS OF THE ALLIANCE PROTEST.

In our last chapter was given a letter written by Mr. Carson on December 21st, and addressed to Mr. Tait. The reply to this was as follows:

"J. H. Carson, Esq., Secretary Quebec Provincial Branch of the Dominion Alliance, 162 St. James Street, Montreal:

"DEAR SIR,—I have acknowledged the receipt of your two communications of the 21st and 28th ult. As your letter of the 21st states that the Alliance does not allege that the reason for Mr. Smith's discharge by the Company was the nature of the principles held and advocated by him, and states that the sole objection of the Alliance to the action of the Company in this matter is the discharge of an employee from its service 'for his activity in advocating those principles,' I now desire to state briefly, and in such a way as I trust will prevent any possibility of being any longer misinterpreted, the views of the Company on that point.

"The Company does not object to its employees holding, practising and promoting temperance principles in such a manner as not to injuriously affect the Company's interests, but it does object seriously

to any employee actively engaging in the advocacy and agitation of these or any other principles or views, no matter how respectable and proper in themselves, about which there is a well understood difference of opinion in the community, in such a manner as either to injuriously affect the Company's interests or to impair his usefulness as an employee, or to interfere with the proper performance of his duties to his employer, as to all of which it cannot be expected that any other than the Company should be the judge.

"There is a large portion of the population of this country who, rightly or wrongly, differ from and oppose the views which are promulgated and promoted by the Alliance, and which have been so vigorously and persistently advocated by Mr. Smith, the result being, as it was sure to be, that his usefulness as our agent was seriously impaired, owing to the Company having to bear to some extent the antagonism which logically perhaps ought to have been confined to him, though there was some ground for the public considering that the Company was taking a part in his advocacy, since in advertising public meetings to be addressed by himself, Mr. Smith described himself as 'W. W. Smith, of the Canadian Pacific Railway, Temperance Lecturer.'

"In this connection I beg to draw your attention to the fact that Mr. Smith did not confine his work of agitation, public lecturing, etc., to the County of Brome, or that section of the country in which the majority of the population had voted in favor of the prohibition of liquor, but that his operations extended

beyond these limits. After the fullest investigation, and consideration of this whole matter, I feel constrained to say that the Company's course was, under the circumstances, not only justified, but, having regard to its business interests, unavoidable.

"In yours of the 21st ult., you refer again to the correspondence between Mr. Brady and Mr. Smith. Inasmuch as the Company has stated that the expressions complained of do not meet with its approval or express correctly its policy, I submit that it is now clearly improper and unfair to endeavor to make them appear as a reason for the continuation of the complaint against the Company.

"I note from your letter of the 28th ult., that a meeting is suggested between the officials of the Company and a committee representing the Alliance. I shall be glad, as I a long time ago offered to meet this committee, and as you have kindly left the appointment of the time and place of meeting with me, I suggest, if it is convenient to the committee, my office on Monday next, at eleven A. M.

"The delay in replying to your letters was due to the uncertainty of my movements and consequent difficulty in naming a time for the proposed meeting.

"Yours truly,

"(Signed), THOS. TAIT,
"Assistant General Manager."

According to the spirit of this letter, no man having an interest in any reform, or a desire to aid in any work for the good of his fellow-men, can conscien-

tiously hold a position in the employ of this great Company, which is so influential in our beloved country. Must every self-supporting man be a slave?

Mr. Tait says, "After the fullest investigation, and consideration of this whole matter, I feel constrained to say that the Company's course was, under the circumstances, not only justifiable, but, having regard to its business interests, unavoidable."

Mr. Tait does not say "Mr. Brady's course," but "the Company's course," thus showing that Mr. Brady had not acted independently of his superior officers in dismissing Mr. Smith.

Mr. Tait also expresses the Company's disapproval of Mr. Brady's "expressions," while he, himself, makes statements which seem quite as objectionable as those of Mr. Brady. Moreover, as Mr. Tait sanctions the dismissal of an employee for active temperance work, and mentions in this letter no other cause as having led to Mr. Smith's discharge, we do not see why he should object to an Assistant Superintendent naming the same reason to an under official, whom he is dismissing from the Company's service.

The conference arranged between Mr. Tait and the representatives of the Alliance was held in the office of the former on January 7th, 1895. The meeting began at half-past eleven, and continued until nearly

two o'clock, when, as no definite decision was reached, it was decided to adjourn until the following morning. The resolutions adopted by the various temperance bodies in Montreal, and elsewhere, were presented to Mr. Tait. The following circular, issued by the Quebec Provincial Branch of the Dominion Alliance, shows the result of the conference on January 8th.

"Dominion Alliance,
"Quebec Provincial Branch,
"MONTREAL, Jan. 30th, 1895.

"DEAR SIR,—On November 28th last, by circular letter, we called the attention of the executives of the various grand bodies of the temperance organizations of the Dominion to the action of the Canadian Pacific Railway Company, in dismissing from their employ the President of one of our county alliances, Mr. W. W. Smith. Enclosed in this circular was a copy of the correspondence which led up to the dismissal. In response to this circular, resolutions were received from every Province of the Dominion, as well as from the executives of Dominion organizations.

"These resolutions were very emphatic in their condemnation of the position taken by Assistant Superintendent Brady, in the published correspondence, to wit, that an employee 'must quit temperance work or quit the Company.'

"These resolutions were carefully considered at the conference of temperance representatives, held in

this city on December 27th, and it was decided to ask the Canadian Pacific Railway to repudiate the position taken by Assistant Superintendent Brady, and that it take such action in regard to Mr. Brady, whose course has given so much offence to the temperance people, as will convince its employees and the public that its policy is not that represented by his act. It was also decided that before any further action be taken, the Canadian Pacific Railway should be notified that if it so desired, a deputation from this meeting would be prepared to meet the representatives of the Company in conference.

"The Company concurred in the suggestion, and as a result of two lengthy conferences, the following agreement was arrived at:

" 'The Canadian Pacific Railway distinctly repudiate, as they have done from the commencement of the discussion, the expressions used by Assistant Superintendent Brady, when demanding Mr. Smith's resignation, which expressions have been taken exception to by the temperance people.

" 'The Canadian Pacific Railway admit the right of employees to identify themselves with the temperance movement, and work for the same, provided such work is done outside official hours, always with due consideration to the interests of the Company. The committee accept such declaration as satisfactory.

" 'The committee claims that the hasty and ill-advised language used in Assistant Superintendent Brady's correspondence, and otherwise, has caused grave dissatisfaction on the part of the temperance

people of Canada. The committee disclaim any attempt to coerce or dictate to the Canadian Pacific in the management of the Company's affairs, but under the circumstances look to the Canadian Pacific Railway to place on record some substantial mark of their disapproval of the expressions of one of their staff, same having been the means of causing offence to a large portion of the community.

"'The Canadian Pacific Railway claims that, if for no other reason, Mr. Smith's discharge was justifiable on the ground of neglect of duty.'

"This was signed by Mr. Thomas Tait, Assistant General Manager, on the part of the Canadian Pacific Railway, and by the following delegation as representing the temperance people of Canada: Major E. L. Bond, Mr. E. A. Dyer, M.P., Rev. A. M. Phillips, Mr. A. M. Featherston, Mr. S. J. Carter, and Mr. J. H. Carson.

"This agreement and the delegation's report was received and approved as satisfactory, by the executive of this provincial Alliance, and a committee appointed to communicate the result to the temperance bodies.

"It will thus be seen that the Company has entirely repudiated the offensive language used by Mr. Brady, and declares that it does not express the attitude of the Company towards the temperance cause.

"The Company also admits the right of its employees to engage in temperance work; and as regards Mr. Brady, it acknowledges that cause for dissatisfaction has existed, and promises that action will be taken to remove this cause.

"In placing these facts before you, we have to congratulate our friends throughout the Dominion upon the satisfactory conclusion of this matter, which has given us all so much anxious concern.

"Another cause for congratulation is the intense interest manifested in this case in every part of the Dominion. From Vancouver to Prince Edward Island have come expressions of hearty coöperation. which have been exceedingly gratifying, clearly demonstrating the fact that there is a temperance force throughout the country which, if only concentrated, and directed unitedly against the legalized liquor traffic of our land, would be positively irresistible. In the present instance a vital principle of temperance reform was attacked and almost immediately the whole Dominion resounds with the protests of the temperance people, and forthwith the injustice is removed.

"With regard to Mr. Smith, we have this to add, that having since accepted the position of organizer and lecturer for the Independent Order of Good Templars of this Province, he had no desire to return to the Company's employ, preferring to devote himself entirely to the temperance work.

"On behalf of the executive,

"E. L. BOND,
"S. J. CARTER,
"A. M. FEATHERSTON,
"A. M. PHILLIPS,
"J. H. CARSON,
} *Committee.*"

It will be noticed that in this letter the committee congratulate their friends upon "the satisfactory conclusion of this matter." Also at a meeting of the Executive of the Alliance before the above circular was issued the followiug resolution was adopted:

"That this executive having heard the agreement and the report of the committee thereon, is satisfied with the same, and congratulate the temperance people of Canada on the result."

It is often well for us to look at the bright side, and this was what the Alliance Committee determined on doing, and there surely were some encouraging features connected with this case.

Nevertheless, as there are generally two sides which may be seen in such an affair, there were many of "the temperance people of Canada" who did not consider this conclusion satisfactory, and exchanged no congratulations, and it may do us no harm now to look briefly at some of the disappointing features in this settlement.

First, it is said, "that the Company has entirely repudiated the offensive language used by Mr. Brady, and declares that it does not express the attitude of the Company towards the temperance cause." Now, Mr. Tait had taken precisely this same position in

his letters to the Alliance Secretary, previous to the meeting with the committee, and even in the minutes of the meeting, as above given, it is said, "The Canadian Pacific Railway distinctly repudiate — *as they have done from the commencement of the discussion* — the expressions used by Assistant Superintendent Brady." In view of this it would seem that not much was gained by the meeting on this point.

Secondly, we are told that "the Company also admits the right of its employees to engage in temperance work." It certainly was encouraging that this great Company should try to appear pleasing to the Alliance, and seemed to show that the Canadian Pacific Railway considered the temperance party a powerful factor in the land, but when we come to consider the manner in which the admission mentioned above was made, we can but see that it has a very doubtful side. The sentence in which the Company makes this announcement is as follows:

"The Canadian Pacific Railway admit the right of employees to identify themselves with the temperance movement, and work for the same, provided such work is done outside official hours, *always with due consideration to the interests of the Company*."

As we are not told that Mr. Tait, at the meeting, repudiated any of his own former statements, we will

look at the above in the light of the following, from his letter of December 6th, to Mr. Carson:

"As far as I am able to judge, no official of our Company, of whose duties one is to solicit and secure traffic for the Company, could take sides on any of these questions," referring to matters about which the public disagree, "at public meetings and lectures without impairing its usefulness to the Company. . . . . The Company is carrying on the business of a railway company, and its objects do not extend beyond the promotion of that business. Its success depends upon the favor and patronage of the community at large, and if one of its officers or employees so conducts himself as to antagonize a section of the community, or even in a manner which is likely to bring about that result, the Company's interests are injuriously affected."

The admission made to the Alliance seems to be robbed of most of its virtue by the above statements, and it would seem that even yet the employees of the Company may have but little liberty of conscience.

It is also said in the aforementioned circular that, "as regards Mr. Brady, the Company acknowledges that cause for dissatisfaction has existed, and promises that action will be taken to remove this cause."

This acknowledgment was certainly a good one, but we have no knowledge of the promise having

been fulfilled. Mr. Brady has been moved from one division to another of the Canadian Pacific Railway, but as this change did not take place until long after this meeting was held, and then only in connection with many others among the officials and employees of the Canadian Pacific Railway, and as Mr. Brady still holds an honorable position in the Company's employ, we see no reason for supposing that this had any connection with the promise made to the committee.

Some of the temperance people feeling dissatisfied with the results of the Canadian Pacific Railway-Alliance Conference sent communications regarding it to the papers, but the press, from some cause, seemed very loath to publish these protests. However, the following, addressed to the Editor of the *Witness*, did find its way to the public, and may have expressed the opinions of many besides the writer:

"SIR,—That the temperance people of Canada were moved, as never before, by the dismissal of its Sutton Junction agent, Mr. W. W. Smith, by the Canadian Pacific Railway Company, because he had rendered himself obnoxious to the lawbreakers of the County of Brome, who had tried but failed to kill him, there is no doubt, as may be clearly seen from your columns, to say nothing of the thousand hearts, which, like mine, said nothing, but felt no less all the

while that by its action the Canadian Pacific Railway had placed a premium upon lawlessness and immorality at the expense of those whom I had been taught to regard as the 'salt of the earth.'

"The immediate consequence of this was that that line of railway was being shunned, and its services neglected by many of its old patrons, and by this loss its magnates were being taught a lesson, and put on the 'repentent stool,' and it seemed almost certain that never more would the Bradys, Taits, and Van Hornes of this Canadian made and pampered corporation forget that temperance people of Canada had both the will and the power to retaliate upon their persecutors. And that if another such dismissal was ever again attempted, they would 'more darkly sin,' and hide the 'cloven foot,' which was so openly shown by Brady and Tait.

"At this juncture of its affairs, and at the moment when a persistence in the agitation would probably have resulted in reparation of the wrong done to Mr. Smith, and an open repudiation of its immoral attitude, Mr. Tait managed to get a hold of some gentlemen, who like the seven Tooley Street tailors, who called themselves 'We, the people of England,' arrogated to themselves the right to speak for the temperance people of Canada, and he played them off on the 'Come into my parlor, said the spider to a fly,' and the upshot of the matter is the most disappointing and sickening, I think, I have ever seen.

"I do not know the names of any one of these men, so I cannot be accused of malice in holding up their

conduct to the commiseration not to say contempt of the public. Though an intense prohibitionist I have never been able to appreciate the wisdom and nerve of some of our temperance people; yet, never before have I noticed anything that looked so like treachery to our cause.

"In your issue of the 8th inst. we have a large heading, 'Brady Repudiated,' and in the body of the article we see this temperance committee, if not openly repudiating Mr. Smith, allowing the Canadian Pacific Railway to defame his character, and to their very teeth justify his dismissal, and giving their consent to both.

"How artfully Mr. Tait changed the whole ground of complaint; and how simply the committee were hoodwinked and befooled will be seen, when I say that that which roused the temperance people was the truckling of the Canadian Pacific Railway to the liquor traffic, and its marked contempt for temperance men, its moral tyranny over its employees, and its wrongful dismissal of Mr. Smith, simply because his attitude on a moral question had exasperated the other side. But in the report which you give of the interview between this committee and Mr. Tait, all this is lost sight of, and the whole ground of complaint is made to rest on poor Brady, the 'scapegoat's' phraseology. 'The committee claimed that the ill-advised language used in Assistant Superintendent Brady's correspondence has caused great dissatisfaction on the part of the temperance people of Canada.'

"The committee would seem to have insisted on the punishment of Brady, while concurring with Tait in everything. The report says:

"'The Canadian Pacific Railway acknowledges that cause for dissatisfaction has existed, claim the responsibility of dealing with, and will deal with the matter in such manner as they consider deserving in the premises.' If this is offered as a salve to the small, cowardly feelings which would like to see a subordinate punished for doing what he was told to do, I trust the Canadian Pacific Railway will disappoint the committee, and let their scapegoat go free. It would be both cruel and unfair that the blow should fall on Brady, the mean tool, and the bigger tyrants go free. This is so evidently seen in the fact that Tait practically insists on the same right to muzzle Canadian Pacific Railway employees that Brady did.

"JAMES FINDLAY.

"*Beachburg, P. Q.*"

Commenting on the above letter the *Witness* says:

"The question might be raised whether the committee appointed by the temperance conference had instructions to come to any agreement with the Canadian Pacific Railway. They certainly were instructed to give the Company an opportunity to right the wrong it had done before proceeding to publish the finding of the conference. It was, therefore, natural for the Company's representative to ask the committee what would satisfy them, and it would seem to

the committee unreasonable not to answer such a question. Mr. Findlay labors under a misconception if he thinks the committee were not independent, and determined to maintain the rights of temperance men. They were selected so as best to represent the interests of Mr. Smith as well as those of the principles at stake. The assurances they received were certainly about as complete as could well be looked for from a Company that was not prepared to acknowledge itself dictated to as to the management of its internal affairs. The Company was not asked to reinstate Mr. Smith, which would have been unpleasant for him. What it promised was that temperance men should be under no disability in its service, and though it reserved to itself the right to manage its own affairs, it acknowledged that cause for dissatisfaction existed, and undertook to deal with the matter. This, we submit, if followed up in accordance with the Company's policy, as stated in Mr. Tait's letters, is a very satisfactory position."

The reason of this latter statement is seen when we remember that "the Company's policy as stated in Mr. Tait's letters" was that when any officer or employee antagonized a part of the community on a question on which the public were divided, the Company would "protect its interests by his removal;" and Mr. Brady had certainly opposed and displeased a very large portion of the community. How this Assistant Superintendent was really dealt with, is

shown by the following from a report of an executive meeting of the Provincial Alliance, on April 18th:

"The first business considered was the communication from the Canadian Pacific Railway, forwarded to the executive from the general committee for action. This letter was in reply to the Secretary's request to know in what manner the Company had dealt with Mr. Brady, the Assistant Superintendent, whose action in connection with Mr. Smith's dismissal had been so offensive to the temperance people. The letter is addressed to Mr. Carson, the Secretary, and is as follows:

"'DEAR SIR,—I have to acknowledge the receipt of your letter of the 1st inst.

"'The Company has reproved and dealt with Mr. Brady as, under the circumstances, was considered deserving, and in such a manner as, it is trusted, will prevent any reasonable cause for further complaint.

"'Mr. Brady, while stating that he never intended the slightest disrespect towards the Dominion Alliance or disapproval of temperance principles, has acknowledged that he gave cause for dissatisfaction, and expressed regret for the same, and a determination to avoid a recurrence. Yours truly,

"'THOS. TAIT,

"'Assistant General Manager.'"

A few days previous to this Executive meeting the above letter was presented at a meeting of the general

committee of the Provincial Alliance, and "was not considered at all satisfactory."

However, the Executive Committee, without approving the letter, decided to publish it "for the information of the temperance public," probably accepting it as the best which could be hoped for under the circumstances.

But, although all was not satisfactory, there were, as we have said, some causes for gratitude in connection with this affair. The Canadian Pacific Railway and Canadian liquor men had a chance to learn that among their opponents there was some zeal and spirit, and a desire to help one another, and this knowledge may make them more careful in the future as to how they oppose and arouse temperance sentiment. Such an agitation and interest as resulted from this dismissal, doubtless might decide some unsettled minds in favor of the temperance party. Also the action of the Canadian Pacific Railway in thus reproving Mr. Brady, and eliciting from him a promise to exercise greater caution in the future was probably as much as could be expected from a powerful corporation which is not willing to acknowledge itself in the wrong, and whose "objects do not extend beyond the promotion of its business," so long as the laws of our land permit liquor sellers to be

licensed, and Prohibition is a thing talked of, but not experienced.

Not until national prohibition finds a place among Canadian laws, and is upheld by the Canadian government, will such bodies allow themselves to be dictated to by the temperance people.

The Scott Act is very good so far as it goes, but if the County of Brome, instead of having this Act, and standing, in this respect, almost alone in the Province, had possessed its share in a prohibition law which held sway from the Atlantic to the Pacific, the outlawed liquor venders of the county would probably not have had such power with a great corporation as they displayed in this case. If the temperance people of Canada wish to have a powerful voice in such matters as this, or if they would have great institutions like the Canadian Pacific Railway conducted on principles of temperance and true freedom, let them work for prohibition, and send representatives to Parliament who will do the same. And just now, when they hold in their hands a key which may be the means of unlocking to us the gate of Prohibition for our country, let them use it to the best advantage, by giving a powerful majority for good when the Plebiscite vote is taken.

CHAPTER IX.

THE MARCH COURT.

As was stated in Chapter III. of this book, the prisoners, Kelly and Howarth, remained in jail, the former at Montreal, the latter at Sweetsburg, during the winter of 1894–95, awaiting trial at the Court of Queen's Bench.

This court opened at Sweetsburg on Friday, March 1st, 1895, but the Assault Case did not receive special consideration until the following week. Monday, March 4th, the Grand Jury reported a true bill against M. L. Jenne, Jas. Wilson and John Howarth for conspiracy, and against Walter Kelly for attempted murder.

On Tuesday morning the court room was crowded so that it was impossible to obtain even standing-room for all the eager listeners, and many were obliged to content themselves with the little that they could hear outside the doors. Thus was shown the great interest which the public felt in the result of this trial.

When the names of the accused were called, Mr. Racicot, counsel for the defence, asked in an eloquent speech that the prisoners be allowed to sit with their counsel instead of being made to stand for hours in the dock. Mr. Baker, Crown Prosecutor, opposed this request, and Hon. Judge Lynch ordered that the prisoners be put into the box.

The next thing in order was the empanneling of a petit jury. It appeared that many of the proposed jurymen were known supporters of the liquor party, and these were, of course, objected to by the lawyer for the Crown. In the words of *The Templar*, "It seemed as if Mr. Baker challenged all who were known to 'take a glass,' while Mr. Racicot challenged all known temperance people."

The afternoon session opened at one o'clock. The Crown Prosecutor made an eloquent speech to the jury, reviewing the evidence given at the preliminary trial. The following account of his address was given in the *Witness:*

"He said: 'It will be an evil day for Canada when men, becoming indignant that the machinery of the law is put in force against them, send to Marlboro or any other place for an assassin to "do up" those against whom their indignation is aroused.' Speaking of the combination of circumstances that led to

the identification of Kelly, he said: 'There is a Providence in these things. There is an overruling power that is directed in the cause of right.' He said regarding the character of Kelly: 'The learned counsel for the defence will try to make you believe that Kelly's evidence should not be accepted. The witness, Kelly, is not one of my choosing; he is not chosen by any member of this court. He is of the prisoners' own choosing. They could not have procured the pastor of the first church of Marlboro, nor one of the deacons, to do their work, but they were compelled to take a man from behind the bar of a saloon, in a low street; one who would take a shilling for his work, and do the job as directed by them."

The first witness examined was Mr. W. W. Smith, whose evidence was similar to that previously given by him. He identified Kelly as the man who had committed the assault on July 8th. The following is a part of the cross-examination as reported in the *Witness:*

"'Do you know Peter McGettrick, of Richford?'

"'I do.'

"'Do you know Frank Brady?'

"'I do.'

"'Did you tell them on the Sunday that they came to see you that you would take your oath that the man who assaulted you was Orin Wilson, a brother of Jas. Wilson?'

"'I did not.'

"'Did you tell Jane Fay, at church, that you did not know who assaulted you?'

"'I did not.'"

From some of the above questions it would seem that Mr. Brady, not content with having dismissed Mr. Smith from the service of the Canadian Pacific Railway, was trying to aid his assailants to escape justice.

The next evidence given was that of Dr. McDonald, of Sutton, the physician who attended Mr. Smith after the assault. His testimony was given in the *Witness*, as follows:

"I know Mr. W. W. Smith. I was called to him professionally on July 8th. I found him in a dazed condition, with a bruise on the top of his head, four or five inches in length, swollen and contused. There was also evidence of another blow, not so long, more in the centre of the top of his head, and another blow still shorter and more to the right of the head, another on the side of the neck and shoulders, and one on the hip. All these bruises I considered serious. The appearance later was that of the discoloration consequent upon such bruises. The bruises were such as might have been inflicted by the weapon now in court. They could not have been inflicted by the fist. I saw Mr. Smith that morning, and on the night of the same day, on the

following Monday morning, and again on Tuesday night. I then considered him sufficiently recovered to not require medical assistance further. I saw him afterward, but not professionally. Death has often resulted from less blows than these."

Daniel Smith, of Sutton, then gave evidence that he had seen Kelly at Sutton on various occasions, the last time being on the evening previous to the assault.

Charles C. Dyer, of the same place, also testified as to Kelly's identity. He said that he had seen him on the race track, at Sutton, in July, had heard him called a horse-buyer from Boston, and had received the impression that he had come there to look at a trotting horse which belonged to Mr. Lebeau, the owner of the track. He had not considered it anything strange that Howarth should be carrying him around the country to look at horses.

The next witness was Silas H. Carpenter, of Montreal, chief of the Canadian Secret Service. He said that he had been employed to investigate the assault case. He had been informed of a stranger who, after staying in the vicinity of Sutton for some time, had disappeared immediately after the assault, and decided that he was probably the guilty party. Had learned that a man answering to the description of this stranger was in Marlboro, Mass., and to this

place was sent a neighbor of Mr. Smith's, who identified Kelly as a man whom he had seen in the neighborhood of Sutton Junction previous to the assault. The witness and Mr. Smith, after going before a justice of the peace, and obtaining papers for the arrest of their man, proceeded to Marlboro. At Fitchburg, Mass., a warrant was made out from the papers which they carried, and Kelly was arrested. He consented to go to Montreal without extradition, and there, in Mr. Carpenter's office, related voluntarily the story which he told at the preliminary investigation, and on this evidence the other prisoners were arrested.

Mr. Carpenter's testimony was the last on Tuesday.

Court opened again at ten o'clock on Wednesday morning. This was expected to be the last day of the trial, and a large crowd was present. Mr. J. F. Leonard, clerk of the court, was first sworn, and testified to the bad character of M. L. Jenne, who had been indicted on Sept. 11th, 1879, for assaulting an officer in the discharge of his duty. The jury had found him guilty of common assault. Mr. Leonard identified the prisoner Jenne as being the same man.

George N. Galer, a constable, confirmed this testimony, and said that he remembered having arrested Mr. Jenne at the time referred to.

The next witness was Walter Kelly. He described how the liquor men had obtained his services, and told the story of his arrival and stay in Canada, and the assault at Sutton Junction much the same as in his previous testimony.

He stated that once while he was stopping at Sutton it had been feared that his presence was exciting suspicion, and he had been sent to Cowansville for a day.

He also said that after the assault he had seen Howarth at Marlboro, and told him that he had done his work, but only received a part of the pay, and Howarth had promised to see that the remainder was sent him. A while after this Kelly had heard that detectives were in Marlboro looking for him, and Flynn, the barkeeper to whom Howarth had written at first, had advised him to go away for a few days while he (Flynn) should write to Howarth, and learn the facts of the case. He went away, and on his return saw a letter from Howarth which stated that Kelly had not hurt Smith at all, and they had been obliged to pay $30 for the use of the team which he had while in Sutton, and now the others were "kicking" and unwilling to pay any more. Kelly said he supposed from this letter that he had done nothing for which he could be arrested,

and, therefore, after reading it, did not try to hide again.

After being arrested he was taken to Fitchburg, where, instead of wasting a month in jail while waiting for extradition, he waived his claim, and went with Mr. Carpenter, and had since remained in his office in the care of a constable. He had told his whole story voluntarily; Mr. Carpenter had offered him no inducements whatever. Kelly also stated that he had not been instructed to kill Mr. Smith, only to scare him, and give him a good "licking."

Wallace B. Locklin was next sworn. He said his residence was at Richford, Vt., where he was a notary public and attorney. He had been appointed to take evidence in Richford on this assault case. He knew Ford, who kept the livery stable at Richford, and had asked him to come to his office and give his evidence. Ford refused to come, and said, if subpœnaed, he would pay his fine.

The next witness was J. P. Willey, of Abercorn, formerly of St. Lawrence Co., N. Y. He was exceedingly unwilling to tell what he knew of the case, and it was only by dint of very close questioning that his evidence was obtained. He knew Jenne, the hotel keeper at Abercorn. Had held a conversation with him in the barroom of his hotel, when he asked

Jenne how much he had been fined for selling liquor without a license. He replied that he had had to pay over $90, and witness remarked that it was no outsider's business if he sold liquor. Jenne said they could not do much with that man Smith; they could not carry their goods over the road. The remark had been made that Smith ought to be whipped or killed, or sent out of the country. Witness believed that he had first suggested this, and then Jenne had agreed with him, and asked him if he knew any one in his part of the country who could do such a job. He would not say that Jenne had asked for a man who would "kill" Mr. Smith. Witness remembered having mentioned this conversation to three men, and might have spoken of it to others.

Arthur Holmes, of Abercorn, sworn, said that he had heard of the assault on Mr. Smith. Had understood that Jenne was away when these prosecutions began. Said they had all supposed that Smith was the prosecutor in the liquor cases.

Albert E. Kimball, a hotel keeper of Knowlton, said he knew there were prosecutions for liquor selling. He was fined, so was Jenne, also Wilson of Sutton.

He was asked: "Do you know of any scheme to get even with Mr. Smith?" Mr. Racicot objected

to this question. Mr. Kimball said it had been remarked in the barroom that Smith was a "mean cuss," and should be whipped. It was barroom talk.

This is a strong testimony, coming from a hotel keeper, as to the nature of barroom adjectives and compliments, especially when applied to temperance people.

Edward Martin, of Sutton, was the next witness. He was occasionally employed by Wilson, and looked after his business in his absence. Was sent for one day in August, and asked to look after the house, as Wilson was going away for a few days. He could not say how long he was gone.

Next Mrs. James Wilson, of Sutton, testified for the defence. Her maiden name was Etta Miltemore, and she had been married to James Wilson eight years previous to the trial. She said she had heard of the affair at Sutton Junction through Mr. Smith's brother, who drove up about six or seven o'clock on Sunday morning, and told that his brother had been assaulted the night before. On the Saturday previous she had been with her husband at Glen Sutton, and about noon he had complained of feeling bad. They drove to Sutton in the afternoon, and he was sick when they reached home. Her aunt, Mrs.

Vance, was there, and also Henry Wilson and wife. They put Jim to bed, and doctored him, and he did not leave his room during the evening or night. As he seemed worse about half-past one, she called Henry Wilson and wife, who got up and remained up the rest of the night, but they did not call a doctor.

Mrs. Vance was the next witness. She said her maiden name was Annie Fay, and she was the wife of Beeman Vance. She was acquainted with James Wilson, and was aunt to his wife. She had gone on July 7th to call on Mrs. Wilson, and found that she and her husband were away, and Henry Wilson and wife were there.

James Wilson came home sick. Witness remained at his house until nearly nine o'clock, and when she left he was a little better, but still very sick.

She had known Mr. Smith for years. After the assault, she had one day met him at church, and congratulated him on his recovery, when he told her that he had no idea who committed the act. She said she had frequently seen James Wilson ill, and had practised as nurse.

Henry Wilson, following, said that he lived at Glen Sutton, and was brother to James Wilson. He remembered the day of the assault, and knew it was in the summer, but could not tell the month. He had

gone to his father's on Saturday morning, and remained there until the afternoon of the next day. James and his wife were away when he reached their home, but returned Saturday afternoon. James was very sick. About eleven o'clock witness helped undress him and put him to bed, and about half-past one he was called up by Mrs. James Wilson. Next morning the news came that Smith had got a licking.

Mrs. Henry Wilson's testimony was a confirmation of her husband's, and was the last given on Wednesday.

More evidence was promised for the next day, and the court adjourned till the following morning at ten o'clock.

The first witness on Thursday was Peter McGettrick, Canadian Pacific Railway agent at Richford, Vt. He said he had been the Richford agent in July, when Mr. Smith, also, was agent at Sutton Junction. Witness knew Frank Brady and W. W. Smith. When he heard of the assault he informed Mr. Brady, and they went together to visit Mr. Smith, whom they found in bed suffering from the effects of his injuries. In conversation with them Mr. Smith told them that he did not know who had committed the deed, but from the appearance of the man thought it might have been James Wilson, one of the prisoners.

William Sears, of Sutton, a brother-in-law of Mr. Smith, testified that he had been sent for by the latter on Sunday morning after the assault, and went to him at once. Mr. Smith told him that he did not know who was his assailant, but it was a heavy man who walked with a peculiar gait. Witness was with Mr. Smith while Mr. Brady and Mr. McGettrick were there, but heard no conversation such as was related by the previous witness.

James E. Ireland, telegraph operator at Sutton, who was the next witness, said that he had been night operator on July 8th, and had received a telegram for Dr. McDonald, asking him to come to Sutton Junction immediately, as Mr. Smith had been assaulted. Another message had been sent to James H. Smith, telling of the affair, and requesting him to be on the watch. He could not produce the record of the dispatches, but told them as he remembered them.

James H. Smith, also of Sutton, a brother of W. W. Smith, was then sworn. He said he had been notified of the assault by telegram about two o'clock on the morning of July 8th. The message which he had received was as follows:

"W. W. Smith is badly hurt. Get Homer and others to watch the roads."

He went for the man mentioned, and then learned that Mr. Ireland had received a message asking that Wilson's hotel be watched. No light was seen in the house there, but L. L. Jenne was appointed to watch the place. Witness had seen Kelly four or five days before the assault driving a team which he supposed to be Wilson's. He had thought it strange, but could not say that he had felt any suspicion. He had supposed the team to be Wilson's because he had noticed the latter driving it at different times during the summer. He had seen James Wilson the night before the assault, walking on the street towards the post office, and Wilson had spoken to him. He had also seen Kelly at that time with a team.

Lewis L. Jenne, a clerk for the Canadian Pacific Railway at Sutton, testified that he knew the prisoners, and was distantly connected with one of them, M. L. Jenne, of Abercorn. He had been in the employ of the Canadian Pacific Railway for seven years. On the morning of July 8th, at about two o'clock, he was awakened by James H. Smith and another man, who told him what had happened. Witness had taken it as his work to watch Wilson's hotel, but saw no light or stir about the house. If any light had been there he must have seen it, as he had on many nights before and since.

During cross-examination he said that he had watched the hotel on the night in question, from a little after two o'clock until morning. A swift horse could go from Sutton Junction to Sutton in ten or fifteen minutes. Witness had not tried to enter Wilson's house, but had watched outside. He had heard that the Wilsons threatened Smith, and was quite sure he had heard it said that they were mixed up with this affair.

Walter Kelly, being then recalled, said that he had seen Wilson on Saturday night, July 7th, between seven and eight o'clock, near Curley's hotel, going towards the post office. He also stated that once he had driven Wilson's team on the road where James Smith claimed to have met him with it.

This completed the evidence in the case.

Mr. Racicot, counsel for defence, then addressed the jury, quoting all the points of law which might seem to have a bearing in favor of the prisoners, and making an eloquent plea which lasted one hour and twenty minutes.

Hon. G. B. Baker, Q. C., quoted the law on the other side, proving quite clearly that the prisoners were deserving of punishment. He laid great importance on the facts that Kelly's evidence had not been contradicted, and that, while Henry Wilson had

told of getting up at half-past one, and lighting a lamp which he said had been left burning in the kitchen until morning, the witness Jenne had stated that he watched the house without seeing any light, as he must surely have done had there been one to see.

Judge Lynch followed with a very earnest address which lasted about forty-five minutes. He summed up the evidence in the case, and quoted the laws bearing on it, reminding the jurors of their great responsibility, and endeavoring to impress upon their minds the importance of a righteous judgment. His speech was not at all in favor of the accused.

The jury then retired, and forty-five minutes later, when the judge demanded their verdict, the sheriff reported that they did not agree, and there was no possibility of their doing so that night. This was announced to the waiting crowd, who had thronged the court room to hear the decision. Court then adjourned, and the jury were locked up for another night.

On Friday morning, March 8th, the jury were again summoned, and stated that they were still unable to agree upon a verdict. The judge appeared both surprised and disgusted. In dismissing them he said: "Gentlemen of the jury, while you have exercised the discretion which the law allows you, I

must pronounce your decision most extraordinary. The public are indignant that in a case where evidence is so clear, there should be doubt or hesitation in the mind of any intelligent man who should be summoned on a jury."

Mr. Baker, Q. C., moved that a new jury be empanelled at once to proceed with another trial. Mr. Racicot seemed willing, but Justice Lynch postponed such proceedings until Monday, March 11th.

In the meantime, on Sunday, friends of the accused and of the liquor party in general were seen driving in the direction of Sweetsburg, and it was thought by some that a plan might be forming to secure easy terms for the prisoners.

On Monday morning many anxious people were awaiting the issue, and previous to the opening of court it was noticed that the crown prosecutor was absent, and soon the counsel for defence also disappeared. On their return, it is said, the latter wore a look of satisfaction, while the former's courage of last week seemed to have in some degree deserted him.

When the judge had taken his seat, Mr. Racicot stated that his clients were now willing to withdraw their former pleas of "not guilty," and acknowledge themselves "guilty of common assault."

Then the lawyer for the Crown, who had on Friday been so eager to proceed with a new trial at once, but who now seemed to fear that another jury would mean only a second disagreement, assented to this proposal; while the judge, who had given such a strong charge to the jury and appeared so much surprised at their failure to declare the prisoners guilty, now agreed, on behalf of the court, to withdraw the indictments for "attempt to murder," and accept the pleas, "guilty of common assault."

John Howarth, Marcus L. Jenne and James Wilson then pleaded "guilty of common assault," while Walter Kelly was indicted on a charge of "committing assault with intent to murder." However, he also pleaded "guilty of common assault," and the plea was accepted.

Then Mr. Racicot, not content with what had already been gained, asked for the leniency of the court towards the prisoners in giving sentence for the charges to which they had pleaded guilty, and the judge appointed to each of the four prisoners the light sentence of one month's imprisonment in common jail with hard labor, accompanying this sentence, however, by some very severe remarks as to the seriousness of their crime, and the disgrace it had brought upon themselves.

Thus ended this assault case, so far as its hearing at Sweetsburg was concerned, and the prisoners and their friends departed from the court room well pleased with its termination.

CHAPTER X.

THE DECISIONS OF ANOTHER TRIBUNAL.

The Court of Public Opinion is an important tribunal before which all such affairs as this we have been considering must come for decision, and its judgments are not always identical with those of the judges and juries in the courts of law. Therefore, it must not be supposed that the temperance public were at all satisfied with the termination of the assault case related in our last chapter. On the contrary, they were quite disappointed and indignant, although their opponents seemed very well pleased with the turn affairs had taken.

Some of the criticisms from temperance papers and people are here given. The following comment by the Montreal *Witness* was quoted in *The Templar* of March 22d:

"The sentence of one month in jail for each of the tavern keepers, who pleaded guilty to having procured

an American idler to committ an atrocious assault upon Mr. Smith, the President of the Brome County Alliance, is probably as severe as can be looked for in a county where a jury dare not find men guilty. That the purpose was to commit murder, the fatal weapon provided proves. The plea of guilty on the part of the prisoners is a plain condemnation of the jury in failing to bring in a verdict.

"The liquor men, for the sake of whose illicit trade the Canadian Pacific Railway Company dismissed Mr. Smith from its services, are self-convicted at least of the most dangerous and brutal ruffianism. Mr. Brady, who took the part of those customers of the Company against his own subordinate, Mr. Smith, remains the accredited authority of the Company in that section of the country. This is a fact which should be generally known."

Below is the view expressed by *The Templar*, itself, and also repeated by the *Witness*.

"The result of the trial of the conspirators to 'do up' W. W. Smith, President of the Brome County Branch of the Dominion Alliance, for his zeal in bringing to justice the men who would persist in maintaining an illicit liquor traffic contrary to the fully expressed judgment of the people, has been a confession of 'guilty' by the accused, and the imposition a sentence of one month in jail at hard labor.

"The confession and the facts brought out in evidence reveal the liquor traffic in a most unenviable light.

"The plot was hatched in a barroom, a liquor seller hired a Marlboro, Mass., bartender to do the 'job,' and he was the guest of hotel keepers while he was spying out the land preparatory to his murderous assault. Never was a more cool, calculating and infamous deed wrought in this country. The wretch, Chatelle, acted under a sudden impulse to gratify an abnormal passion, but these wretches planned weeks ahead to 'do up' Smith, yet such cowards were they, they dared not strike the blow, but hired the Marlboro tool to do it for them. Jenne, Howarth and Wilson, you are arrant cowards, and your weakness is only exceeded by the devilishness of your malice!

"These are the men who say we cannot enforce prohibition, and undertake to make the law a dead letter. Men who will murder—no, they lack that courage, but will hire the slugger—if they are not permitted to carry out their work of death. Shall we make our laws to please, or to restrain and punish such men?

"Not the least ignominious feature of the trial was the failure of the jury to convict upon the clearest evidence. Their disagreement was rebuked by Judge Lynch, and later by the prisoners themselves pleading guilty. The murderous assault and the terrorizing of the jury furnish all the evidence that is requisite to justify the demand for prohibition."

The *Witness* of March 16th contained the following, giving the opinions of certain local papers respecting the decisions of the court in this trial:

"The Huntingdon *Gleaner*, referring to the sentence of a month's imprisonment passed on the defendants in the Smith assault case, says: 'This is a most inadequate punishment. Had Kelly put more force into the first blow he struck with his piece of lead pipe, Smith would assuredly have been killed. The liquor men, who were the authors of the foul deed, should have been sent to the penitentiary.'

"Referring to the disgraceful conduct of the jurors in disagreeing, despite Kelly's confession, the Waterloo *Advertiser* says: 'The jury might, at least, have brought in the verdict of a Western jury that tried a man for assault with intent to kill. After being out two minutes the jury filed into court, and the foreman said: "May it please the court, we, the jury, find that the prisoner is not guilty of hitting with intent to kill, but simply to paralyze, and he done it." The trial has been an expensive one to the Crown, and its inglorious ending will hardly satisfy the public that the ends of justice have been served and the law vindicated.'"

The following appeared as an editorial in the *Witness* of March 27th:

"We have received many very strong expressions with regard to the failure of justice in the matter of the cold-blooded and cowardly attempt on the life of Mr. W. W. Smith, the President of the Brome County Alliance. A leading citizen of the district proposes

a public demonstration to denounce the jury and judge for this failure. As for the judge, as we said at the time, we cannot see that he can be blamed much for the lightness of the sentence upon a verdict for only common assault. So far as can be gathered from the conduct of their representatives on the jury the people of the district have concluded to live in a condition of timid subjection to a band of assassins settled among them. And not only they, but the great national railway, which passes through their district, felt called upon, on behalf of the same lawless crew, to heap abuse and obloquy upon, and finally to dismiss one of its own officers for busying himself with the enforcement of law against them. We should be greatly cheered to think that this jury which betrayed the public safety committed to it by law, was exceptional, and that the district could yet be roused to vindicate law and order."

In all these articles it is assumed that the reason of the jurymen not agreeing on a verdict of guilty was their personal fear of the liquor men. There is another possible aspect of the case which is not touched upon by these papers, viz., that the jurors may have been friends of the liquor party, and their disagreement may have been intended not to secure their own safety, but to shield the hotel keepers from such punishment as must follow a decision of guilty on the part of the jury.

We quote here some of the communications mentioned above, which were sent to the editor of the *Witness* regarding the settlement of the assault case. The letter given below, signed "Justice," was written from Sweetsburg under date of March 12th, 1895:

"SIR,—The Smith assault case is concluded, but the people are not done talking about it, by any means; and for some time to come the privilege of free speech will be exercised on that case. The judge in his charge to the jury on Thursday said: 'No intelligent and right-minded jury can fail to bring in a verdict in accordance with the testimony.' The evidence for the prosecution proved unmistakably the guilt of the prisoners, while the testimony for the defence was evidently manufactured for the occasion.

"The prisoners on Monday pleaded guilty to common assault. If Howarth, Jenne, Wilson and Kelly were guilty of anything, they were guilty of more than common assault, if ever there was a deliberate and well-planned scheme for 'doing up' any person, that plan was made in this instance, and the nail was clinched when Howarth, at Richford, paid to Kelly the fifteen dollars earnest money, which was to be followed later by the hundred and fifty when the 'job' was done. That 'job!' Such a 'job' as that! An assassin hired for the purpose, by villains blacker-hearted than himself, to go in the middle of the night, armed with a murderous weapon, to attack a

defenceless and sleeping man, to 'do him up.' What does that mean? Who is initiated into the mysteries of the language? Does it mean to disable him? or does it mean to kill him? Who is safe in the discharge of his duty and in the performance of the God-given work to which every Christian man is called?

"If the law protects a rumseller who has a license in his business of selling the liquid poison, should not that same law protect a man who, residing in a town where the Scott Act is in force, prosecutes liquor sellers who are dealing contrary to the laws? Let us have fair play! If the law is like a game of checkers, in which, not the best man, not the righteous cause wins, but the party wins who makes the most dexterous move, then the least we can ask is fair play.

"What have we seen in the courts during the past week? One man arrested for stealing a dollar's worth of goods or so, and that man jailed for fifteen months. In contrast to this case, we see these men with their murderous schemes, deliberately planned, attempted and partially executed, we see these men condemned to one month's imprisonment with hard labor! What a farce is the law! Is it any wonder that indignation is aroused in the hearts of the conscientious and God-fearing members of the community, and that men as they meet ask each other the question, 'Why is this? Did the jury fear that they, too, might be exposed to a sudden attack of lead pipe?'

"If it is cowardly to shirk an issue on a point between right and wrong, then we certainly have moral cowards here, in the district of Bedford. However, there is this to comfort the heart of the right-minded citizen; punishment does not altogether consist in the number of days spent in jail, but the disgrace to which these men have been subjected can never be wiped out nor removed.

"The investigation of the case was thorough, and the crime proven unmistakably against those four men. It will undoubtedly prove a warning to others, and, we may say, to themselves also, in the future."

Another letter, written by a "Law-Abiding Canadian," and published in the *Witness* of March 25th, is as follows:

"SIR,—Many have been surprised and disappointed at the silence that has prevailed in our newspapers since the verdict of the jury in the W. W. Smith attempt to murder or 'do up' case. Instead of a resolute onslaught of protests from the people through the press and by public bodies, all is comparatively quiet.

"What is the reason of this? Is it that they are paralyzed with surprise and horror for the time being? It surely must be so. If not, it is time we were asking where we are and what we are coming to. Sir, our ears are made to tingle, and our hearts are thrilled with horror, when we read of the wild lynchings by shooting, rope or burning, that have

taken place in the United States. These dreadful things are reported from new States or in old ones, where race feeling runs high, and where justice, often handicapped by all the lawlessness and savage cruelty and ignorance of both a home and foreign element, fails for the time being, and we complacently say: 'It is just like the United States. What an awful country it must be to live in!' Are we going back to such a state of things? Has it come to such a pass that law and justice are becoming a mockery? God forbid that it should ever come to this, but something must be done that not only our persons and property may be protected, but that our belief that we have and hold in this Canada of ours that British justice and fair play that is world-wide in its administration, and ever the same.

"There is no doubt that the brand of public opinion on these individuals for their self-confessed and clearly proven guilt, if they have any conscience left, will be terrible, and make them bury themselves away forever from the community and public that their acts have horrified. But the matter must not end here. A great wrong to an individual and society has been done, and the public may well ask who will it be next; and whose person or property is safe if such lawlessness is allowed to go unpunished. Let the lawkeepers be heard from in a way that will make our lawmakers enquire into our jury system, and devise some way to prevent the miscarriage of justice and consequent grievious wrong done to individuals and the people."

The following from "One of the W. C. T. U.," appeared in the Home Department of the *Witness* of March 23d:

"DEAR EDITOR HOME DEPARTMENT,—Though I enjoy reading the Home Department, I have never before written anything for it, as writing is not my forte, but I feel almost compelled to send this to express my indignation at the light sentence passed on those three men in the Smith assault case. I think it perfectly outrageous that they should get off so easily. Such a crime, perpetrated in cold blood; even a man hired and brought from a distance to do the diabolical work! Ten years in the penitentiary for each of them would have been quite light enough. But to give them one month at hard labor, they might about as well have let them go free. If Mr. Smith had been killed I wonder if they would have got two months? It seems to me this is the way to encourage crime. How is it that for so much lighter crimes, so much heavier sentence is often pronounced? Is it because the people are afraid of the liquor men? It seems like it.

"I am heartily thankful that the *Witness* stands up so nobly for truth and right. I know I will see a scathing article from the editor on this very subject. I hope it will do all the good he intends it to do.

"We may be sure of one thing, and that is the liquor men never did the cause of prohibition so much good before. Their brutality in this case will

likely win many to our cause who would otherwise not have joined us."

The following protest, signed "A Lover of Right," was published in the *Witness* of April 5th:

"SIR,—Would it not be feasible to have a public meeting in the matter of the gross miscarriage of justice in the case of the would-be murderer of Mr. W. W. Smith, of Sutton.

"Shameful as of late years the decisions of some juries and judges have been, never has a more shameful acquittal been known in this Canada of ours. One man gets six months for stealing an ash barrel, probably really ignorant that it was not anybody's who chose to take it; another man 'one month with hard labor,' that man by his own confession a would-be murderer. But that such sentence should be allowed without public protest! Surely the soul of righteousness is dead in a people if it be so."

Now that the assault case was settled, in spite of its unsatisfactory termination, the temperance people found the expenses connected with it, which amounted altogether to more than $1,200, remaining for them to settle.

It was decided to ask the government at Quebec to assume these costs, or a share of them, and accordingly Mr. Carson, Secretary of the Provincial

Alliance, wrote to the government requesting its help; but, no reply being received, arrangements were made for a delegation to wait upon the premier. This was done on April 24th, the Alliance representatives being Mr. R. C. Smith, Mr. S. J. Carter, Rev. J. McKillican and Mr. J. H. Carson. The case was clearly stated, and the provincial government, of which all the members were present, was asked to bear a portion of the expenses. The delegation acknowledged that the proper course would have been to leave the matter in the hands of the attorney-general at first, yet, although this had not been done, as the temperance people, considering this affair of much more than individual interest, felt themselves morally bound to see that these expenses were paid, and not to leave all the burden upon the shoulders of Mr. Smith; and as, at a recent Provincial Alliance Convention, it had been decided that this was a matter which concerned the temperance people of the whole Province, the delegation asked in the name of the temperance people of Quebec that the government assume the expenses connected with the vindication of justice in this case. Mr. Carter stated that, although he had no authority to say so, he thought if the government paid Mr. Carpenter's bill, which amounted to about $800,

the temperance people would consent to raise the remainder.

The attorney-general, Hon. Mr. Casgrain, said he thought this might be done, and without any further assurances the Alliance representatives withdrew.

Later the government consented to pay $500 of the costs only, and the balance remained to be cancelled by the temperance public.

The assault case is now ended, and lies some time in the past, and in these hurrying times an event of a few seasons ago is usually soon gone out of thought and interest. Probably no such affair has ever happened in the Dominion, or at least in the Eastern townships, which has stirred the depths of so many hearts, and continued in interest for so long a time as this assault and the circumstances connected with it. And now shall we relegate these matters to a position among the dim memories of the almost forgetten past, and let them gradually slip away from our thoughts? Even in these times of changing and forgetting, there are events which, by a few, are not soon forgotten, and which leave a lasting influence for good or evil upon some hearts and lives. Shall it not be so in this case? Will not we long remember the dark plotting of Brome County's lawless liquor sellers, the desperate attempts to carry out

their evil plans and the partial success which attended their efforts, and shall not the memory bring fresh zeal and energy to every son and daughter of temperance in the land?

We find in this assault case a very marked example of some of the fruits of intemperance. We see here the evil thoughts, the loss of conscience, and the desperation that makes men shrink not from the darkest deed within their reach if by this they may further their own interests or gain revenge upon one who has opposed them. All these are the attendants and followers of strong drink in every clime.

From the history of these deeds of darkness in Brome County we may learn, also, the power possessed by the liquor party,—the dread influence that can prevail upon a great corporation to dismiss an employee who has previously been satisfactory, and that can frustrate the ends of justice, and obtain its will in a court of law.

From these facts let us take warning, and, with an increased knowledge of the terrible work of strong drink and the powerful influence of the party that supports it, a stronger sense of the great need of willing, earnest workers who will "battle for the right in the strength of the Lord," and a new realization of our own personal responsibility, let us work so faith-

fully for God and humanity against the powers of evil, that the grand result of these dark plots that were formed by outlawed liquor sellers in an illegal barroom shall be the adding of many fresh recruits to the ranks of those whom they wished to destroy. And whenever we have an opportunity of defeating these enemies of good and taking from them some of their ill-used power, let us strive, lest the victory be theirs, to give a strong majority on the side of right.

In this way may the plans of Satan prove instruments in the hands of the Lord that shall work for his glory and the good of his creatures.

It may be well to add here a few words by way of explanation, as mention is several times made in this book of the future taking of a Dominion Plebiscite. At time of writing it was supposed that this book would be in print long before the vote was taken, but for various reasons its publication has been delayed. On September 29th, 1898, the question of the liquor traffic was submitted to the people of Canada, and a considerable majority was given for Prohibition. Quebec, alone, of all the Provinces, failed to declare against the traffic, but even here there are some

bright spots, prominent among which is the county where this Dark Plot was enacted, which gave a majority for Prohibition of 529. As this is considerably more than that formerly given for the Scott Act, it is evident that the liquor men of Brome are not gaining ground by dark plots or any other means.

By this Plebiscite, the prohibitionists of Canada have been given a privilege never enjoyed by any other nation, and they have used it well, but now the work is just begun. Let them not rest content until the end for which they have voted is realized, and then the coöperation of temperance people will be needed if the law is to be well enforced.

There is still much we all must do if we would see our country freed from the curse of strong drink, and let prohibitionists take courage from the victory already achieved, and with renewed zeal press the battle to the gates.

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